

this instance no such intention has been expressed; and, consequently, upon common law principles, neither of those Acts are now in force; and our statute book presents an entire blank so far as regards the Chancellor's salary. *Warren v. Wendle*, 3 *East*, 205; *The King v. Rogers*, 10 *East*, 569. (t)

But, let it be conceded for a moment, and by way of argument, that the effect of discontinuing or suffering this Act of 1798 to expire, would be, that the Act of 1792 would be revived.—It certainly will not be contended, that the effect of the constructive revival of the Act of 1792, would be a complete revival of the whole of it, including all such clauses as had been repealed or altered by any perpetual and now subsisting law. By a virtual revival of a law nothing more has been ever understood to be thus revived, than that which would have continued in force, had it not been for the law, which was repealed or had expired. This is the principle of a constructive revival, it goes no further. Now let us *inquire, and endeavor to ascertain, on how much of the Act of 1792 a constructive revival would, at this time, operate. **666**

The two first sections of the Act of 1792, specify the amount and duration of the Chancellor's salary; but, they make no provision whatever for its payment. By the four last sections a particular fund was to be raised, for that purpose, from taxes on proceedings in Chancery and the land office. From that fund, the treasurer was directed to pay the Chancellor's salary, if it should be adequate; if not, the deficiency was to be made up, not generally out of any money in the treasury; but "out of any moneys in the treasury arising or to arise from the sale of vacant land"—and, it was declared, that "the said taxes shall be collected and paid for five years after the end of the present Session of Assembly and no longer." By the Act of 1797, ch. 51, every part of this Act "relative to the said taxes and duties," was continued during the term of seven years, and until the end of the next Session of Assembly; and by the Act of 1804, ch. 108, "the fifth section" of the Act of 1792, ch. 76, was "enacted into a permanent law;" provided "that it should be subject to any alterations which have

(t) *Per HANSON, C.*, 1765, ch. 33, note.—It may be necessary to remark, that the repealing clause of this Act, notwithstanding its expiration, is still in force. There is an evident and material distinction between a temporary Act containing a repealing clause, which Act is suffered to expire, and an Act made for the purpose of repealing another Act, which is afterwards itself repealed. In the first case, the Legislature declares its intention, that an Act be done away and rendered void, and there is no proceeding of the Legislature afterwards to restore life to the Act repealed. In the second case, the Legislature expresses the same intention, but afterwards by doing away and rendering void the repealing Act, its intention cannot be construed otherwise than to give new life to the Act repealed.—(*Hanson's Laws of Maryland.*)