

tion 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, 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 cer-