

interest upon bonds discussion.

1. The Statute of 1826, in its title and first section contained a general declaratory principle viz. that interest should be paid to Maryland upon the bonds which she was advanced for the use of the U.S. It is true that this Statute is marked "obsolete" in the edition of the laws of the U.S.; but this remark of the publisher is not indicative of any legal mind, or any force whatever. The late Attorney General of the U.S. said in a recent official opinion, "I disregard, of course, the marginal note inserted after the Act on the Edition of the Statutes of the U.S. as that of 'obsolete' applied to many others." Multitudes of such Acts are still in force at this day. Mr. Cushing, then the Secretary, is Nov. August 24th 1855 page 16.

It is said that the Statute has not been called into action since 1826. But a Statute is not abrogated by non use; and in addition to the reasoning on the subject which would lead the mind to conclude that a law must of course remain dormant until something occurs to call it into active operation, I would add the conclusion which a court of such authority came when the point was distinctly made. This happened in the case of White v. Port 2 Durand & Co. page 27, where it is ruled that a Statute is not abrogated by mere non use.

On pursuing this inquiry, we must bear in mind constantly that the Statute of 1826, just contains the declaration of a general principle of equity, and that we are studiously careful to keep the two distinct parts of the law separate, for we are to point out a specific mode in which the general case should be brought within the operation of the general case, making a new and independent section; thus showing that the law has not been put into one law. We must also bear in mind that the Statute of 1827 only proposes to deal with the second section, leaving the first unchanged and unimpaired. The rules of construing Statutes have received a large share of comment and judicial consideration and cannot be departed from without producing confusion in the entire system of administering justice.

It will be sufficient to refer to two or three cases of high authority in support of the position that under the circumstances and phraseology of these two Statutes the first section of the one passed in 1826, is still in force. In H. v. H. & Johnson in the case of the same company v. The Rail road Co. the rule for construing Statutes is thus laid down. "If laws & Statutes seem contradictory to one another yet if, on interpretation they may stand together, they shall stand; and where two laws only so far disagree or differ, as that by any other circumstance, they may both stand together, the rule that a subsequent law abrogates prior and contradictory law, does not apply, and the last law is no repeal of the former. Repeal of Statutes by implication are things disfavored by law and never allowed of, but when the inconsistency and repugnance are plain and unavoidable."

See in D. Smith & Marshall page 698. "Where in a subsequent Statute there is an express repeal of a former one, the former Statute will not be considered repealed by implication, unless the repugnancy between the new provision and the former one be plain and unavoidable."

See also in D. Smith & Marshall 16 P. 342, 14 C. 336.