

their commissions, in such manner and at such times as the Legislature shall hereafter direct upon consideration of the circumstances of this State." Under the authority thus granted to the Legislature the salaries were provided in the method prescribed, which continued until the adoption of the Constitution of 1851.

By the 4th section of Article 4 of the Constitution of 1851, it was provided "The salary of each of the Judges of the Court of Appeals shall be \$2,500 annually, and shall not be increased nor diminished during their continuance in office." The same phraseology was used in regard to the Circuit Judges. (Art. 4, section 9.)

The Constitution of 1864 prescribed that there should be no increase or diminution of the salaries paid to the Judges of the Circuit Courts, and did not contain any provision in this respect in regard to the salaries of the Judges of the Court of Appeals.

It will be seen that from the provisions of the Constitutions of 1851 and 1864, the Judicial salaries as fixed, could neither be increased or diminished by Legislative action. When the present Constitution was adopted, the inhibition upon the *increase* of salaries was omitted, and that upon a *diminution* was alone retained. The natural and reasonable construction of the provisions of the present Constitution looking to the prior Constitutional requirements is, that the General Assembly may increase these salaries to such sum as it may deem proper, as the only restraint imposed upon it is that it shall not make them less than the sum named in the Constitution.

A reference to the debates upon this subject in the Convention in 1851, will make it very clear that when the Legislature is only forbidden to diminish the salary, it has the power to increase it. When the Convention which formed the Constitution of 1851 met, the entire subject had been within the control of the Legislature which could fix, and did fix at different times the salaries of the Judges. As reported from the Judiciary Committee, the proposed Article on salaries closed as follows: "And shall not be diminished during their continuance in office." (Debates, 1st Vol., p. 239.)