

This was amended so as to read: "And shall not be increased or diminished during their continuance in office." (Debates, 2nd Vol., p. 557.)

A motion was made to reconsider the vote of the Convention by which the words "increased or" had been inserted. This motion was made by Mr. William A. Spencer, of Queen Anne's county, and on the specific ground that he was in favor of the Legislature having the power to increase the salary, and was opposed to the restriction which could be placed upon it by these words. The argument was, that by striking out the prohibition on the Legislature to increase the salaries, it left the power to make the increase when it should think proper, and would place it precisely as it was under the old Constitution.

He said "it seems to me that if you fix it so that it shall not be diminished while in office, and give the people, through the Legislature, the right to give them more by way of fixed salary, if it should be necessary as a matter of justice, it will be the best arrangement we can adopt; I think it is assuming too much to suppose that we can decide for all time to come, the proper remuneration of a Judge of the Court of Appeals."

The Convention refused to strike out the words in question by a vote of 5 to 63. (Second Vol. Debates, pages 558-559.)

When the present Constitution was adopted, the provisions of the former Constitutions were carefully considered; the change in the use of the language on the subject, showed that the members of the Convention of 1867 had considered the question, and by the wording as adopted by them, simply intended to prevent the Legislature from diminishing the salaries below the figure named, and left the Legislature free to increase the same at its pleasure.

(3). But it is supposed that section 35, of Article 3, has some bearing on this subject. This section provides that "no extra compensation shall be granted or allowed by the General Assembly of Maryland to any public officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office.