

2. It seems to me very clear that construing these sections by themselves, there can be no question that the Legislature is authorized to pass an Act increasing the salaries of the Judges named. I reach this conclusion because, though I think that if the sections referred to had said the salary shall be \$3,500, \$2,800 and \$3,000, respectively, without other words added, such language would have fixed the salaries at these figures, so that the Legislature could not add to or diminish them, yet inasmuch as there are added the words "which shall not be diminished during their term of office," the whole taken together is to be construed as an implied grant by the Constitution to the Legislature to deal with the subject of the salaries with a limitation of the power thus granted, which limitation consents in the prohibition to *decrease* the salaries. In no other way can force be given to the words "shall not be *diminished*."

If it had not been intended to commit to the Legislature the power to deal with the subject of the salaries, the sections would have followed the form adopted by the Constitution of 1864 (Art. 4, sec. 21,) which says: "The salary of the Justices of the Court of Appeals *shall* be \$3,000 each, per annum, payable quarterly." When, therefore, there follows, in the Constitution of 1867, after the words *naming* the salary, words prohibiting a *decrease*, it of necessity follows that this Constitution contemplated action of the Legislature on the subject; and so contemplating action, saw fit only to prohibit action in the line of decrease, and so impliedly authorized action in the opposite direction.

3. While I do not think it is necessary to enforce this construction by reference to the Constitution of 1851 and 1864, yet this reference strongly confirms the said construction. The Constitution of 1851 (Article 4, sections 4 and 9), after *naming* the salaries of the Judges of the Court of Appeals and of the Circuit Judges, at \$2,500 and \$2,000, respectively, adds the words "and shall not be *increased* or *diminished*, during their continuance in office," and also added these words, "and no Judge of any Court in this State shall receive any perquisite, fee, commission or reward in