

relating to officers, were intended to refer to some officers other than judicial officers. Now, there are very many officers besides Judges, for whose existence provision is made in this Constitution. When, therefore, the 35th section, of Article 3, says "nor shall the salary or compensation of any public officer be *increased* or *diminished* during his term of office," ample scope is given for the operation of this section by construing it as intended to apply to officers other than Judges; and this being so, it will not be held applicable to Judges, because so to apply it would make this section inconsistent with, and contradictory to, sections 24 and 31, of Article 4, which, we have seen, declares as to the salaries of the Judges, *only* that they shall not be diminished; and we have seen that this language must impliedly declare that they *may* be *increased*; therefore, if section 35, of Article 3, is held to have been intended to refer to the Judges, we would have the Constitution in one place declaring that the salaries of the Judges may be increased, and in another place declaring that they may not be increased. A construction which involves such consequences will never be placed on any written instrument, much less on the Constitution of the State.

(5.) The same considerations apply, and indeed with added force, to section 1, of Article 15, of the Constitution. This section was intended to deal exclusively with persons whose compensation is derived from fees of office, and on this ground alone, it is altogether clear, was never intended to apply to the Judges, whose salaries had been exhaustively dealt with in Article 4.

But the very language of the concluding clause of this section shows that it can have no application to the Judges, because it declares that no person holding office shall receive more than \$3,000 a year, "except in cases specially provided in this Constitution;" we have seen that the Judges not only receive more than \$3,000 a year, but also we have seen that their cases are specially provided for in the Constitution.

(6.) I may add that I had occasion to examine the question now submitted to me some years ago, and came to the same conclusion, which, upon a fresh investigation of it at this time, I have above stated.

Yours very truly,

BERNARD CARTER.