

The Constitution provides for a Judiciary, separates it into different Courts, specially provides for the jurisdiction these Courts are to exercise and fixes the term of office of the Judges and ascertains and names the amount of salary the Judges of the different Courts are to receive during the term of service, and furthermore declares that the salaries "*shall not be diminished during the continuance of the Judges in office.*"

The bill, if enacted into a law, annuls and abrogates the provisions of the Constitution ascertaining and appropriating the salaries to be received by the Judges of the different courts.

It does so, not by attempting to repeal the express provision of the Constitution, that "*the salaries shall not be diminished during their continuance in office,*" but by repealing an equally express provision thereof, that the salaries shall be so much, to wit:

Circuit Court Judge \$2,800; Court of Appeals Judge \$3,500; Judges of Baltimore City Courts \$3,500; subject to the additional provision, that the salaries as to Baltimore City Judges may be increased by Baltimore city, in which latter event, said additional sum is *neither to be increased or diminished.*

In support of this bill, it is urged that the express provision *attached* to the salaries as ascertained and appropriated by the Constitution *that they shall not be diminished during the continuance of the Judges in office* necessarily implies, if it does not expressly provide (which latter is conceded not to be the case) that the salaries named may be increased through legislative action. We cannot see the logical force of this reasoning, that because there is an express prohibition to do one thing, ergo, there is an implied authorization to do another thing, though exactly and diametrically opposite. Suppose the Constitution had said neither one thing or the other, but had simply ascertained and named the salaries to be received during the term of office, will it be contended that legislative power could have either diminished or increased the sum named? What is the use of a Constitution, if it has no binding, mandatory and obligatory effect? Why