

The City Judges may receive so much more salary, but not one cent more. It thus appears evident that the farmers of the Constitution intended that there should be a certainty and fixity in the salaries of Judges, that being in the nature of constitutional provisions. The salaries being named in the organic law, should not be liable to be diminished or enlarged, should not be subject to the uncertain action of successive Legislatures or City Councils.

Such a condition of things would be unbecoming the dignity and honor which attaches to the Judicial office. It was intended that the Judge should not be subjected to the influences growing out of a biennial increase of salary in view of the increase of Judicial duties imposed upon them by successive Legislatures.

As we understand it, the Constitution is to be construed as a whole, the different parts bearing upon and relating to the same subject-matter are not to be considered independently, the one of the other, but are to be reconciled and made harmonious, if possible.

This bill is an appeal to legislative power and action. We look at section 35 of Article 3. It lays down the lines and puts the limits to legislative action in the matter of a diminution or increase of salaries of public officers of the State. What does it say? "Nor shall the salary or compensation of any public officer be increased or diminished during his term of office." No exceptions are provided, but any, that is: Every public officer is included in this inhibition on legislative power and action.

This is a positive negative provision, broad and all-embracing in its scope and intention, the evil to be provided against is the same in each and every case. It positively takes hold of legislative power and action and prohibits either the increase or diminution of the salary "of any public officer."

Now is not a Judge a public officer as much so as a Governor, Comptroller or Treasurer? If he is not a public officer, then what is he? and if the term any public officer *ex vi termini* includes a Judge as well as the Governor, Comptroller or Treasurer, how can the Judge be exempted or excepted in the matter of an increase of salary from absolutely prohibitory check on legislative power and action?