

Why, it is said, the Judiciary is dealt with under an entirely different and independent Article in the Constitution entitled "Judiciary Department," in which, while providing that the salaries shall not be diminished, not one word is said about the increase. We answer that the prohibitory clause against an increase is found under the Article entitled "Legislative Department," relating to legislative power and action, limiting, defining and restricting the power and action of the Legislature in the matter of an increase of salaries of public officers; and the appeal here is to legislative power and action. If the one relates more particularly to the Judiciary Department, the other relates more particularly to the Legislative Department.

We get our authority in the premises from the latter Article and are absolutely prohibited from travelling on the lines laid down by this Bill. We can however find no irreconcilable inconsistency between the two; they both relate to the same subject-matter. The term "any public officer" is broad and wide enough to embrace the Judge.

The omission of it, if it is an omission, in the Judiciary Article, that the salary shall not be increased, is supplied in the Legislative Article. If the Legislature can increase the salary of a Judge, it can violate the express inhibition placed on it by the 35th section of Article 3 of the Constitution, and from the scope and operation of which it is nowhere exempted by any express provision contained in the Constitution. To warrant the Legislature in increasing the compensation or salaries of the Judges during their continuance in office, in the face of the inhibition contained in section 35, of Article 3 of the Constitution, there must be some clearer proof of intention than the failure in Article 4, entitled the "Judiciary Department," to specially provide against an increase of salary. If it had been intended, that the power to increase should be vested in the Legislature, why was it not done by an express provision or reservation to this effect? And why should a matter of so grave and momentous character have been left to conjecture, inference or implication? Having failed to provide for an increase