

him? Is he in the purview of the Constitution a standing constitutional exception, not to be treated or affected by any provisions however broad, but only to be reached by special and direct mention?

If so, where is the authority for this mode of construction to be obtained?

The old Constitution of Maryland did not ascertain and fix the salaries of the Judges, but in section 30, of the Bill of Rights, provided "that salaries, liberal but not profuse, ought to be secured to the Chancellor and Judges, during the continuance of their commissions, in such manner and at such times as the Legislature shall hereafter direct."

The whole matter of salary, both as to amount and time of payment was confided to the Legislature.

The Constitution of 1851 witnessed a departure from the uncertainty and viciousness of a system like this.

Section 4, of Article 4, of Constitution of 1851, Judiciary Department provided "an annual salary of \$2,500 to be paid to the Judges of the Court of Appeals and that it shall not be increased or diminished during their continuance in office."

Section 9 of the same Article provided a salary of \$2,000 per year for the Circuit Court Judges and "that the same shall not be increased or diminished."

Section 12 thereof provided a salary of \$2,500 for each of the Baltimore City Judges and "omitted" to provide "that the same" shall not be increased or diminished.

Section 23, of Article 3, of the Constitution (of 1851,) title "Legislative Department," had the same provision as has already been quoted as being in section 35, of Article 3, of the present Constitution.

Can it possibly be contended that under the peculiar provisions of the Constitution of 1851, the salaries of the Baltimore City Judges could have been either diminished or increased by legislative action? If the doctrine of implication, as contended for by the promoters of this bill, be correct, then, under the Constitution of 1851 the salaries of the Baltimore city Judges could have been diminished even to the destruction and overthrow of the office.