

1 shall have been created, or the salary or profits of
2 which shall have been increased, during such term.

3 That would mean if he resigned, he still would
4 not be eligible if the office were created during this
5 period.

6 MR. CASE: Mr. Chairman, this Section gives
7 me a lot of trouble. In the first place, I think it
8 is perfectly true that the Section is taken from Section
9 17 of Article 3, but I call the Commission's attention
10 that it has been more on order in the breach than the
11 observance because the Constitution in the Judiciary
12 Article makes abundantly clear that it has no application
13 to judges in this State and judgeships have been created
14 by the Legislature and for a great many years now, and
15 vacancies in those offices have been appointed people,
16 the people who have been appointed to those vacancies
17 have been members of the House or Senate during which
18 the judgeship was created, so actually the provision
19 in Section 17 dealing with this subject is, while original-
20 ly was the rule, is no longer the rule for our most impor-
21 tant offices; and I think for this reason, some real