

2nd. Registers of Wills as the clauses of the constitution referred to in relation to Clerks of Courts, except the 13th section of the 4th Article, also relate to Registers of Wills, and that section would make no material change in the views I have expressed in relation to Clerks; they may without any further special remark be applied to Registers of Wills; and I refer to what I have stated above as to Clerks of Courts.

3rd. Judicial officers: I assume this term to comprehend all the Judges of the State, and as they are all public officers the 34th section of the 3rd Article, forbids the salary or compensation of any of them being increased or diminished during their respective terms of office. And by the 28th section of the 4th Article it is specially declared, that the salaries of the Circuit Judges shall not be increased or diminished during their respective terms of office. But the 43rd section of the 4th Article, that each of the Judges of the Orphans Court shall receive such compensation, to be paid by the counties and city of Baltimore respectively, as is now or may hereafter be prescribed by the General Assembly. This section applying specially to a particular class of officers, is to be construed as excepting them from the operation of the general law applicable to all officers, if inconsistent with the general. When a general intention is expressed in a statute and an act also expresses a particular intention incompatible with the general intention, the particular intention is to be considered in the nature of an exception.

18 *Maryland Rep.*, 489, *Stockett vs. J. Bird.*

I am therefore of opinion, that the Judges of the Orphans Court, and they alone of the Judicial officers of the State can have their compensation changed by the General Assembly during their respective terms of office.

It should be observed that these constitutional prohibitions forbidding the General Assembly from making changes in the salary or compensation of officers, attach to the present incumbents, not to the offices themselves, after the expiration of the terms of the present incumbents, so that general laws may constitutionally be enacted, making changes, if they do not apply to the present incumbents of these offices, but their operation is confined to their successors therein.

Signed,

A. RANDALL,

Att'y Gen'l of Md.