

Assuming a county treasurer received fees, etc., in excess of \$3,000 and the expenses of his office, and did not pay such excess over, a taxpayer may not sue at law to recover such excess. *Schneider v. Yellott*, 124 Md. 94.

Generally.

The state's attorney being one of the officials to which this section is applicable, no act of assembly can limit the amount of fees which a state's attorney may receive to any sum less than \$3,000; the general assembly may, however, make no provision for any fees (to the state's attorney) in cases before justices of the peace. The act of 1894, ch. 213, providing that the total compensation of the state's attorney for Dorchester county, including all fees, should not amount to more than \$1,200 per year, held invalid. *Goldsborough v. Lloyd*, 86 Md. 376.

This section referred to in deciding that a clerk who deposits in bank until it is paid over, money of the state collected for licenses and from other sources, is liable for interest received thereon from the banks. *Vansant v. State*, 96 Md. 124.

A register of wills is not entitled to retain as extra compensation the commission which is allowed by law on the amount of taxes on collateral inheritances and on commissions of executors and administrators. *Banks v. State*, 60 Md. 307; *Green v. State*, 122 Md. 292.

This section (as it stood in the Constitution of 1851) was designed to fix the rate of compensation of the officers mentioned at a maximum of \$3,000, and a ratable portion thereof according to the period during which the office was held; and to require such officers to pay the excess into the treasury. *Picking v. State*, 26 Md. 502.

This article referred to in construing art. 4, sec. 11, and art. 5, sec. 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 636 (concurring opinion).

Cited in construing Art. 25, Sec. 22 of Code. *Talbot Co. v. Carroll*, 172 Md. 388.

See art. 69, An. Code, and notes to art. 3, sec. 45, and art. 5, sec. 9, Md. Constitution.

See notes to art. 3, sec. 52, of Constitution.

Sec. 2. The several Courts existing in this State at the time of the adoption of the Constitution shall, until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at Law and in Equity, in all respects, as if this Constitution had not been adopted; and when said Courts shall be so superseded, all causes then depending in said Courts shall pass into the jurisdiction of the several Courts, by which they may be respectively superseded.

This section referred to in construing art. 15, sec. 3, and art. 4, sec. 42—see notes to the former. *Smith v. Thursby*, 28 Md. 257.

See art. 4 of the Md. Constitution and notes to art. 4, sec. 20.

Sec. 3. The Governor and all officers, civil and military, now holding office under this State, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their offices (unless inconsistent with or otherwise provided in this Constitution), until they shall be superseded under its provisions, and until their successors shall be duly qualified.

Under this section, a constable who was in office at the time the Constitution of 1867 went into effect continued in office until a new appointment was made in accordance with the new Constitution; such new appointment might be made by the mayor and city council of Baltimore in office at time of the adoption of the Constitution of 1867. Hence where the mayor and city council which was in office under the Constitution of 1864, on the 8th day of October, 1867, appointed the appellant a constable, such appointment was valid, and the mayor and city council elected under the Constitution of 1867 (in effect October 5, 1867) had no power in November, 1867, to appoint the appellee in appellant's place. How the Constitution should be construed. Effect of adoption of the Constitution of 1867. Provisions of Constitution of 1864 continued in force by Constitution of 1867. *Smith v. Thursby*, 28 Md. 255 (cf. dissenting opinions). Cf. *State v. Manly*, 1 Md. 135.

This section as it stood in the Constitution of 1864, was intended to preserve the machinery of the government in the change from one Constitution to another; its operation was not to suspend the authority of the new Constitution, but to preserve the officers holding under the old government until their successors were appointed under the new—see notes to art. 4, sec. 5. *Magruder v. Swann*, 25 Md. 213.

In view of this section (as it stood in the Constitution of 1851—see art. 10 sec. 8, thereof), there was no necessity for permitting an officer to enter upon his duties before the legislature passed an act relative to his qualification. *Thomas v. Owens*, 4 Md. 216. And see *Robb v. Carter*, 65 Md. 334.

This section (as it stood in the Constitution of 1851) was construed to give the judges power to hold the county courts, through the state, and the Baltimore city