

BALTIMORE, MD., March 7th, 1892.

Hon. James P. Gorter,

Annapolis, Md.:

DEAR SIR: --I regret that I was unable to send the result of my examination of the questions submitted to me by you on Saturday. I was so much interrupted that I was unable to complete the examination, and have only been able to do so to-day.

The provisions of the Constitution on the subject of the increase of the salaries of Judges are apparently somewhat conflicting, and it is necessary to reconcile these apparently different provisions in order to arrive at the meaning of the whole instrument.

Looking first at the provisions of Article 15, section 1, which provides that "No person holding any office created by or existing under this Constitution or laws of the State, or holding any appointment under any Court in this State, shall receive more than \$3,000 a year as a compensation for the discharge of his official duties, *except in cases specially provided in this Constitution,*" I think that provision is not intended to apply to the salary of Judges. I think that the Judges are treated as officers under the Constitution, as will be seen by reference to section 9, of Article 15, where "Judges and other officers" are spoken of, but section 1, of Article 15, does not apply to the case of the salary of Judges, because the salary of Judges, in my opinion, is specially provided for in the Constitution, and therefore comes with the exception mentioned in section 1, of Article 15.

The case of the salary of Judges is specially provided for in the Constitution, as is evident from the provisions of Article 4, section 24, which gives each Chief Judge and the Judge of the Court of Appeals from Baltimore city more than \$3,000, and gives each Associate Judge \$2,800. This is a special provision and of course comes within the exception mentioned in Article 15, section 1.

Again, the Judges of the Courts of Baltimore city are allowed by Article 4, section 31, a salary of more than \$3,000, and power is given to the Mayor and City Council to add \$500 more to the salary of each Judge.