

for the year shall exceed the sum which he is by law entitled to retain as his salary or compensation for the discharge of his duties, and for the expenses of his office, shall yearly pay over to the Treasurer of the State the amount of such excess, subject to such disposition thereof as the General Assembly may direct; if any of such officers shall fail to comply with the requisitions of this section for the period of thirty days after the expiration of each and every year of his office, such officer shall be deemed to have vacated his office, and the Governor shall declare the same vacant, and the vacancy therein shall be filled as in the case of vacancy for any other cause, and such officer shall be subject to suit by the State for the amount that ought to be paid into the treasury; and 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 three thousand dollars a year as a compensation for the discharge of his official duties, except in cases specially provided in this Constitution.”

Prior to the first of June, 1914, the Mayor and City Council of Baltimore regularly paid the portion of the salaries to the members and general counsel of the Public Service Commission, as imposed upon it by the Act of 1910; but upon the demand by the State Tax Commission simultaneously with the demand of the members of the other bodies, the authorities of Baltimore refused to pay any of the salaries and contended that the amount was in excess of the constitutional limit, and that payment of part by the city amounted to an unlawful charge.

Upon this refusal to pay the portions of the salaries, the members of the Public Service Commission instituted mandamus proceedings to compel the payments, and the case finally reached the Court of Appeals.¹ It was decided at the January term, 1915, and the Court held, in an elaborate opinion, that there was no inhibition on the part of the Legislature to provide for salaries of State officers in excess of \$3,000, holding that the provision of the Constitution applied to fee officers and not to those who received a salary. The Court also held that the payment of the excess by the Mayor and City Council of Baltimore was not an unconstitutional provision and ordered the payments. Following the decision, salaries accrued

(1) Thrift vs. Laird, 125 Md. 55.