

The petitioner in this case alleages his appointment and qualification as a Justice of the Peace in due form and his subsequent selection by the Governor in accordance with law as one of the additional Justices at Large of Police Magistrates to sit at a Station House in Baltimore City under the designation of the Board of Police Commissioners to sit as such Station House Magistrate and that he has subsequently sat and discharged all of the functions and duties of such Magistrate.

That since his said selection he has been ready and willing at all times to serve as such Magistrate or Police Justice under the regulation and control of said Board of Police Commissioners. He further alleges that the said Board has refused to issue to him any certificate for his services as provided by law, notwithstanding the fact of the rendition of said services by said petitioner and his willingness to continue to serve and the acceptance of said services by said Board. That said refusal is in violation of a practice of over twenty years standing to pay additional Police Justice the same as those regularly assigned to a Station House. These facts are in substance admitted by the Respondents, but they say that even if true that they are not sufficient in law to authorize the Writ of Mandamus to issue because the Legislature has never authorized the payment according to the length of service performed by the Justice at the Station House and the amount of time devoted thereto, and that the additional Justice is only entitled to a per diem compensation for time actually serving, rather than to the salary of \$175.00 per month.

The Constitutionality of the Act of 1912 or prior Acts of the General Assembly regulating and fixing the duties and salaries for Justices of the Peace who are named to perform certain duties or services outside of and beyond the ordinary duties of a Justice of the Peace not having been raised, it does not seem proper in this case to discuss that phase of the law as applicable to the legislation of recent years in connection with the placing of duties upon Justices of the Peace not originally intended for them to perform.