

File No. 26050 Continued.

and two persons appointed by the Mayor, which last two mentioned members shall serve without pay. It is the duty of this board to select from time to time depositories for the funds of the City, as to it may seem proper; it can authorize temporary loans to be made and has full and complete charge and control of sinking funds of the City.

The members of these Boards come within the classification of Municipal Officials; this question was passed upon by the Court of Appeals in the case of Baltimore City vs. Lyman, 92 Maryland, 591, in which case the Court said, at page 610:-

"It appears from an examination of the charter that the expression "municipal officials" is used to describe the heads of departments, heads of sub-departments and municipal officers not embraced in a department, and is not applicable to employees of these several departments."

Having classified the members of these Boards as City Officials or Officers, we are next concerned with the restrictions, if any, imposed upon them by law, with special reference to their entering into contractual relations of any character with the municipality. The constitution of Maryland provides in Article 11, Section 5, title City of Baltimore:-

"Nor shall it be lawful for any person holding any office under the City, to be interested while holding such office, in any contract to which the City is a party."

This provision seems to be very far reaching in its effect; it is a direct prohibition against any City Official entering into any contract, no matter what the nature of it might be, with the City. Since it frequently happens that persons not on the municipal payroll but yet officials of the City are in close touch with the affairs of the administration, and therefore in a better position to work for their own personal gain, than are some paid officials, and since the mere payment of a salary does not place the official in such a position that he cannot abuse the office he holds, the question of