

Yours very truly,

Alex. McCormich, President,
Fredk. von Kapff,
A.C. McCurdy, Committee."

Marshal Thomas F. Farnan.
Re-appointment of.

A communication, as follows, was received from Mr. Alonzo L. Miles, Counsel of the Board:-

"Baltimore, Md., August 8th., 1910.

To The Honorable,

The Board of Police Commissioners.

Gentlemen:-

You ask my opinion as to the tenure of office of the Marshal of Police and whether there is a vacancy in said office, by operation of law, which it is the duty of the Board to fill by appointment or election.

An intelligent answer to this question makes it necessary to briefly review the history of the law and the circumstances under which the present Marshal was appointed. The predecessor of the present Marshal, Mr. Samuel T. Hamilton, now deceased, was appointed Marshal, October 7th., 1897, for a term of four years from that date and held that office up to October 7th. 1901. On October 2nd., he was notified that his term of office would expire by operation of law on the 7th. instant, and on the latter date the Deputy Marshal was placed in charge of the office until the election of a Marshal.

At the date of the appointment of Marshal Hamilton the period of appointment of all officers on the regular police force, including the Marshal, was four years as fixed by the Statute Acts of 1898, Chapter 123, Section 745. Mr. Hamilton contended, however, that his right to continue in office after the expiration of the term for which he had been elected was extended by the Acts of 1900, Chapters 16 and 425, and filed a petition in Mandamus in the Baltimore City Court to compel the Police Commissioners to recognize him as Marshal and pay to him the emoluments thereof.

The particular clause of chapter 16, specially relied on by Mr. Hamilton, is contained in Section 745 F., and is as follows: