

"All police officers, officers of police and detectives, secretaries, clerks and employes, other than counsel and police surgeons of the Police Department shall be retained on the force during good behavior and efficiency by the said Board of Police Commissioners of the City of Baltimore and may be removed by the said Board of Police Commissioners for official misconduct or inefficiency, and then only after written charges preferred specifying the time, place and character of such misconduct or inefficiency, and trial had before the Board of Police Commissioners, after reasonable notice thereof."

Chapter 425 of the Acts of 1900 amended Section 745 of Chapter 123 of the Acts of 1898 so as to make it conform to the provisions of the new statute, but it provided that nothing therein contained "shall in any manner change or alter the methods of making appointments to, or removals from the police force as described in Chapter 16.

The Court of Appeals of Maryland, in a very interesting and exhaustive opinion in *Police Commissioners vs. Hamilton* reported in 95 Md. 561, clearly construes the above provisions of law and absolutely fixes the legal status of the Marshal of Police and his relations to the Board.

The said Court in construing these Acts says:

"The objects of the Legislature in the passage of these Acts, was to free the men and officers of the police force of Baltimore City from any arbitrary interference on the part of the Board of Police Commissioners and provide a permanent police force, that should be entirely out of the field of political and religious differences, controversies, and influences. With the view of accomplishing these ends, the legislature provided by chapter 16 for a Board of Police Examiners, to be appointed by the Governor, with power to make and enforce rules for carrying out the provisions of the Act, to ascertain by competitive examination the qualifications of every candidate to or promotion in the police force, and to report to the Board of Police Commissioners graded lists of those persons whom they may deem qualified; and it is from these graded lists, that all nominations for appointment to or promotion in the service are to be made. The Marshal, the captain of detectives, counsel and surgeons, are in special terms excepted from the operation of these provisions. There is nothing indeed in any part of the Act that places any obligation upon the Police Commissioners to make their appointments to any of the positions last named from the graded lists.