

The court then proceeds to consider at length the method of appointment in, and removal from the Police Force of all officers of police, police officers, etc., under what is known as the merit system through the Board of Police Examiners and concludes by saying:

But such considerations do not apply to the case of the Marshal who is required to stand no examination and whose name need not be on the graded lists. In every other respect the Marshal is clearly excepted from the Act, and his case is outside of the system. Why therefore should the words police officer, officer of police, be held to include Marshal, when to do so would be to affix another and different meaning to them than that which they have in every other part of the Act. This would we think, do violence to the intent upon which the statute was framed. That was to create a system by which the officers and men of the force were to be chosen and retained in office. But it was <sup>not</sup> intended that the Marshal should be included in the scheme. The Marshal is the chief executive officer of the force, and as such is in peculiarly close relationship with the Board. He advises it from time to time upon all matters that he may deem proper for the better government of the police force, and he is charged with the duty under the instructions of the Board to see that all laws of the State and ordinances of the city, the execution of which devolves upon the police force are duly observed and that the rules and regulations prescribed and all orders issued by the Board are strictly observed. The legislative will, as manifested in this Act, was that the chief executive officer of the force should be selected by the Board at their free and unrestricted will, so that they might obtain a Marshal who was not only intellectually equipped for the duties of the position, but also in sympathy with them in their method of administration. We do not think, therefore, that according either to the spirit or letter of the Act the Marshal can be included within its provisions and that the appointment and tenure of that position remain as they existed at the time the appellee went into the office.

Concluding its opinion the Court of Appeals said, "We have seen (referring to the Marshal) that his term of office was not affected by Chapter 16, and we think that Chapter 425 makes no further change in the law in that respect." Following the opinion of the Court of Appeals that the tenure of office of the