

File No. 8590 Continued.

CORRESPONDENCE.

be displaced, what is the effect? Does not the failure in those two cases to name the particular man whom the new appointee is to succeed, make the ordinances of 1908 defective? In other words, are not Thomas Boyd and Thomas M. Jamart, in the Eleventh Ward, and John P. Wagner and John J. Carroll, in the Seventeenth Ward, the men properly qualified to act, inasmuch as the ordinances appointing Medinger and Gover neglected to state which of said original appointees was to be displaced? The law only allows two constables to each ward.

An early reply to this is urged inasmuch as the constables are all in a state of suspense as to their legal status. The typewritten enclosure is a copy of the report which I sent to the Clerk of the Superior Court for verification.

Yours truly,

(Signed) A. S. Goldsborough,
Mayor's Secretary.

File No. 8590.

OPINION.

LAW DEPARTMENT.

Baltimore, August 14th, 1908.

A. S. Goldsborough, Esq.,
Mayor's Secretary.

Dear Sir:-

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In answer to your telephone inquiry, permit me to say that in my opinion the requirement of Section 1 of Article 20 of the Maryland Code (that every Constable appointed shall within thirty days after his appointment make the declaration of religious belief and take and subscribe the oath prescribed by the Constitution) is mandatory and not directory merely. State Constitution, Article 2, Section 7, Article 4, Section 42, Davidson vs. Brice, 91 Md. 681, Archer vs. State, 74 Md. 443.

If, therefore, any constable has not qualified within thirty days after appointment, he should be treated as having refused to accept the office.

Truly yours,
(Signed) W. Cabell Bruce,
City Solicitor.