

File No. 8590 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, August 14th, 1908.

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

Dear Sir:-

Your letter of the 14th instant to hand.

6490

1. A constable holds his office for two years, that is to say for two years from the time he qualifies, and until his successor is appointed and qualifies. City Charter, Section 206, and Maryland decisions already laid before you.

2. The constables appointed by Ordinance No. 19, approved November 8th, 1905, are legally empowered to act as such for two years from the respective dates, on which they qualified, and until their respective successors are appointed and qualified.

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3. If a constable qualifies under one appointment and fails to qualify under a subsequent reappointment, within thirty days after the passage of the ordinance reappointing him (Md. Gen. Code, Art. 20, Sec. 1), he is empowered to continue to act as constable under his first appointment until his successor is appointed and qualifies, but he may be superseded at any time after the lapse of the thirty days by the appointment and qualification of his successor.

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4. Where two constables are serving in a ward as such, the appointment of a third person as constable for that ward, without any indication by the ordinance of the one of the two existing constables, that the third person is to supersede the appointment of the third person, is in my opinion nugatory, if both of the two constables are holding over after the expiration of two years from the respective dates of their appointment, but if only one of the two is so holding over the appointment and qualification of the third person, should in my judgment, be taken as superseding the tenure of the one of the two so holding over. I might add that where there is a vacancy in the office of constable, caused by death or removal, for illustration, a successor should be appointed for the residue of the term.

State Constitution, Article 4, Section 43.

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