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OPINION.

by the executive. But in answer to this it may be said that, in the organization of government, confidence must be reposed somewhere, and that no more effectual check could well be imposed upon the undue exercise of the Governor's power over this office than has been imposed by requiring the concurrence of the Senate before removal can be accomplished. The Governor and the Senate are alike the immediate representatives of the people, and whatever they do in their official capacity they do under a solemn responsibility to their constituents. The courts have no right to assume that there has been or will be any undue and improper exercise of power by a coordinate branch of the government.

T desire, also, to call your attention to the case of O'Neill vs. the Fire Commissioners, 59 Md., page 283, above referred to, where the court refused to interfere with the action of the Fire Commissioners in removing O'Neill from office, and where the court, on page 289, used the following language:

There can be no doubt that the general common law rule is that, before an officer can be removed, he must be accused, notified and tried, with opportunity of defense. But, when the power of removal rests by statute in the discretion of any person, or body of persons, or depends upon the exercise of personal judgment as to whether the cause for removal be sufficiently good, mandamus will not lie.

And egain, on page 288;

"Inasmuch as the Fire Commissioners are the sole judges of efficiency and faithful discharge of duty, which the ordinance prescribes shall be satisfactory to them, this inhibitory clause does not operate so as to abrogate their discretion and judgment as to that matter, and to create a test which is to be judged of and determined by another tribunal. It is plain that it is their judgment and discretion which is to be exercised, and that it is subject to the revision or coercion of no other jurisdiction".

The other cases in waryland bearing on the subject of re-

Townsend vs. Kurtz, 83 Md., 331; Hooper vs. Parnen, 85 Md., 587; Field vs. Malster, 88 Md., 691.

These cases, however, throw no additional light on the subject now under investigation.

Yery truly yours,

(Signed) Begar Allan Poe.

Deputy City Solicitor.