File No. 2651.

OPINION.

LAW DEPARTMENT.

Baltimore, March 8, 1905.

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Joseph L. Wickes, Esq.,

Commissioner of Street Cleaning.

Dear Sir:-

2356

You tell me that the Mayor has communicated to you his intention of appointing two superintendents to supervise the work of removing snow and ice from certain alleys, the cost of which work is to be defrayed out of the special appropriation of \$5,000 for the purpose, made on yesterday by the Board of Estimates, and you ask me whether the Mayor has the legal right to do so.

2357

I answer that he has neither the legal authority to make such appointments himself, nor the legal authority to require you to make them. By Section 28 of the Charter, it is provided that heads of departments and sub-departments, shall have the sole power of appointment and removal at pleasure of all deputies, assistants, clerks and sub-ordinate employees employed by them, unless otherwise provided in the Charter.

2358

The policy of this provision is obvious. It is to east undivided responsibility upon municipal officials for the character of their appointess, and to discourage the abuses of patronage which experience has shown to be only too likely to result from interference by the Mayor, especially on the eve of elections, with the right of municipal officials to select their own subordinates, for whose conduct such officials cannot be fairly held responsible unless chosen by them personally, free from the influence of the Mayor.

2359

There are no provisions of the Charter excepting you from the application of Section 28. At the present time, under ordinances providing for the division of the City into seven street eleaning districts, there are seven superintendents of street cleaning appointed by you, whose duty it is under the ordinances in question to supervise the cleaning of all the streets, lanes and alleys of the City. The control, under your direction, of all such work, whether ordinary or extraordinary, properly belongs to them and to them alons.

Truly yours,

City Bolletto