File No. 2690 Centinued.

OPINION.

LAW DEPARTMENT.

Baltimore. March 29, 1905.

George R. Heffner, Esq.,
City Comptroller.

Dear Sir:-

2380

I have earefully read the communications which you handed metoday, viz: a letter from the Water Engineer to you, dated the 27th inst., and the opinion of Mr. John R. Semmes, the former City Selicitor, rendered to Mr. Charles D. Fenhagen, the former City Comptroller on September 10, 1898.

Section 30 of Article 4 of the Public Local Laws of Maryland, upon which Mr. Semmes bases his conclusion that the word "officer" is broad enough to include all clerks employed by the City or under its authority, is no longer in force, having been superseded by the pro-visions of the present City Charter, which provides for the appointment by the Mayor, subject to confirmation by the Second Branch of the City Council, of all municipal efficials, and for the appointment of departmental subordinates by departmental heads. As things now stand, except where some departmental subordinate of the City is required by some special provision of the Charter, or by some special ordinance, to give bond, such departmental subordinates are, in my opinion, not required to bond.

The word "officer" in Section 49 of Article 1 of the City Code,
does not in my judgment cover such departmental subordinates. It is applicable only to municipal officials. If the centrary were true, it
would be necessary for every departmental subordinate holding a position under the City Government to give bond, which, it seems to me,
would be a wholly unreasonable conclusion, as the duties of most of
them are of such a nature as to make a bond a matter of no importance.

The conclusion reached by me in my spinion of the 21st inst., rendered to the Water Engineer is, I believe, entirely correct. Her do I think that its force is impaired by the fact that by the provisions of Section 5 of Article 54 of the City Code, such slerks, gate-keepers, superintendents, watchmen and policemen as may be appointed by the Water Spard may, in its discretion, be required to bend. If it is within

2381