

File No. 9665 - Continued.

OPINION.

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when, in fact, his term as constable had expired; and his defense to this charge is that he thought, and was told, that his successor had not qualified and, until he did, he (Warner) was still empowered to act; (2) He is also accused of serving, and being party to, a fictitious notice of ejection, and his defense to this charge is that the notice was a fictitious one and that it was simply adopted as a scheme to dispossess the tenant without litigation and without trouble, and that he (Warner) made no money out of it.

Whether or not Mr. Warner, in view of these charges and all his answers to them, is a proper person to be appointed constable, seems to me to be a question entirely for the Mayor's decision when the Ordinance appointing Mr. Warner comes before him for approval or veto.

Very truly yours,
 (Signed) Albert G. Ritchie,
 Assistant City Solicitor.

File No. 9665.

LAW DEPARTMENT

Baltimore, March 8, 1909.

Hon. J. Barry Mahool,
 Mayor of Baltimore.

Dear Sir:

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I herewith enclose copy of a report to me by Mr. Ritchie, on the question relating to the appointment of Charles E. Warner as constable. I agree with Mr. Ritchie that there is no legal question involved.

It seems to me that the charge that you should seriously consider, in connection with the appointment of Mr. Warner, is the one that Mr. Ritchie's letter refers to as charge "2", and the truth of which charge he attempts to justify on the ground that he meant no harm.

Personally, I think it a rather serious matter for a constable to serve a paper which he knows to be fictitious, even though he makes nothing out of it. It is his duty to uphold the law and not to go outside of it.