

File No. 13970

Baltimore, January 24, 1912.

Eugene E. Grannan, Esq., President,
Commissioners for Opening Streets.

Dear Sir:

Your letter of the 18th inst., in reference to the application of Mr. H. K. Faust for appointment as assistant engineer, received.

In reply I beg leave to say that the Act of 1910, Chapter 736, under which you are acting as the Annex Improvement Commission-does not contain any limitation- in regard to residence or being a registered voter- upon the persons you may employ, and merely provides that you can employ any help or assistants necessary, subject to the ratification of the Board of Estimates.

The provision of the City Charter that all City officials should be registered voters was held by the Court of Appeals not to apply to employees of any department.

The provision in the City Code of 1893, Article 1, Section 42, which reads -

"It shall not be lawful for any of the heads of departments under the City government to employ, or allow to be employed, in any capacity, within the city limits, any person who is not a registered voter of the City of Baltimore."

was held by Mr. Bruce, in an opinion which he rendered to the Park Board under date of November 27, 1903 (File No. 455) to have been virtually nullified by the decision of the Court of Appeals in the case of Baltimore City vs. Lyman, 92 Md. 591.

Following Mr. Bruce's opinion, I advise you that you are not prevented from employing Mr. Faust by the fact that his name does not appear upon the list of registered voters. I give this opinion the more readily, in this case, because I am reliably informed, - and so understand your letter- that Mr. Faust is, to all intents and purposes, a resident of Baltimore but was simply absent, in the course of his employment, at the time of the last registration and thus failed to register.

Very truly yours,

(Signed)

S. S. Field,
City Solicitor.

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