

you consider it your duty to give an intimation of your official opinion in the premises.

The County Commissioners of Prince George's County at a recent meeting of their Board appointed John R. Walker Esq. as a Clerk to their Board to enter upon the duties of said office on the 1st of April next.

Mr. Walker has been a Collector of the State & County Taxes of Prince George's County, and as such is a defaulter to the State. Knowing Walker to be a very worthy and deserving man the Commissioners were very anxious to give him the appointment of Clerk, and not knowing what effect the 59th Article (Title Officers) Section 1st of the Code might have upon his appointment, they consulted me as their legal adviser to know if under said Section Walker was prohibited so.

My opinion to them was in substance as follows - that said Article and Section applied only to such State Officers as were to be Commissioned by your Excellency. This I considered clear from the 3rd Section of said Article - The 3rd Section of said Article I think also sustains this view of the case, the words "Election or appointment" in said 2nd Section having reference alone to any one elected by the people, or appointed by the Governor.

In other words, as Walker did not become Clerk to the Commissioners, in any of the modes or through any of the channels pointed out, either by the Constitution of the State, or the Code which regulated the qualification or fixed the prohibition, I decided that he could hold the office.

By reference to the 11th Section of said Article I found it to be the duty of your Excellency in certain cases to direct the States Atty. by quo warrants to inquire by what right certain parties hold office.

Although I am of the opinion that this Section does not give your Excellency the power to set on foot any such proceedings in regard to such a case as the one of Mr. Walker presented above, yet I am not the Judge of what are your Excellency's powers and duties and how far you might consider it your duty to act in the case, and informed the Board that it was their duty to state the case to you - which I have done.

With many regards be I am very Truly
Shelby Clark
Atty to Co. Coms. of P.G. Co.

State of Maryland
Executive Chamber
Annapolis March 13th 1862

Shelby Clark Esq
Sir:

I have just recd. yours of the 11th Inst. in which