File No. 1202 Continued.

CORRESPONDENCE.

Branch City Council*.

Very respectfully,

(Signed) Robert M. Welch,

Acting Chief Clerk.

File No. 1202.

OPINION.

LAW DEPARTMENT.

Baltimare, June 7, 1904.

To the Presidents and Members of the Second Branch of the City Council. Gentlemen:-

1578

Replying to your favor of the 6th inst., in which you ask me whether the Mayor's Secretary is a municipal officer not embraced in a department, within the meaning of Section 25 of the 2.w City Charter, I beg leave to say that in my opinion he is not.

The provision for his appointment is made, not by Section 25, but by Section 20 of the New City Charter, which declares that the Mayor may appoint such persons to aid him in the discharge of his duties as may be prescribed by ordinance. Turning to the ordinances of the City, we find that by Section 7 of Article I of the City Code, it is stated that there shall be bi-ennially appointed, as other City officers are appointed, an officer who shall be styled the Mayor's Secretary, who shall perform such duties consistent with the character of the office as the Mayor shall direct.

1579

When these last provisions became law, the other City officers mentioned in Section 7 of Article 1 of the City code were appointed by the Mayor, subject to confirmation by a joint convention of both branches of the City Council. Section 7 of Article 1 of the City Code is, in my judgment, inconsistent with the scheme of appointment prescribed by the New City Charter, which limits confirmations of appointees of the Mayor by the Second Branch of the City Council to heads of departments, heads of sub-departments, municipal officers not embraced in a department and special commissioners or boards. Section 25 of the New City Charter.

Following Section 25 of the New City Charter is a heading (page 104, revised edition of the New City Charter) entitled "Division embracing municipal officers not included in any depresent." Then

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