

File No. 5747 Continued.

OPINION.

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The Free Public Bath Commission owes its existence to Ordinance Number 54, approved May 9, 1900. Their powers are set out in Section 3 of the Ordinance in the following language: "The said Free Public Bath Commission shall have the power to superintend, direct, maintain and operate all the free public baths now established, or to be hereafter established in the City of Baltimore and owned by the City of Baltimore, under such rules and regulations as said Commission may deem best suited for carrying out the objects of the said free baths." It is by virtue of this section that the Commission has employed its employees and fixed their salaries. If the salaries of the employees of the Commission had been enumerated in the Ordinance of Estimates for the year 1907, manifestly the Commission would have no authority to modify them. The Ordinance of Estimates, however, simply names the increases they are authorized to make.

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It seems to me therefore, that as far as the increases are concerned the Commission is bound by the items contained in the said Ordinance of Estimates, and of course therefore, could not fix the salaries for the positions named at a less sum than the amount of increase authorized respectively. In all other respects however, the power of the Commission over the salaries of its employees is unfettered, provided of course, the total amount appropriated for salaries, to wit: eighteen thousand, nine hundred and sixty-two dollars is not exceeded. If I am right in this, the first inquiry contained in Mr. Soper's letter is practically answered; however, I think Mr. Soper is mistaken in his statement that the total appropriation of the salaries, to wit: eighteen thousand, nine hundred and sixty-two dollars is not sufficient to cover all the increases authorized by the Ordinance of Estimates of the year 1907.

Yours very truly,

(Signed) Edgar Allan Poe,

Deputy City Solicitor.