

File No. 6212.

LAW DEPARTMENT.

Hon. J. Barry Mahool,
Mayor of the City of Baltimore.

Dear Sir:-

I reply to your Secretary's reference to your letter, dated the 21st inst., from the City Engineer to yourself, with respect to the matter of advertising for bids for advertising in a German newspaper. The ordinance mentioned in your letter will be found embodied in Sec. 43 of Article 1 of the City Code, (Latest Revision).

It declares that all advertisements emanating from the different departments of the City Government shall be published in at least one German paper of the City.

By Section 14 of the City Charter proposals for public works or supplies, or materials are required to be advertised in "two or more daily newspapers published in Baltimore City." These provisions, of course, take the place, in this case, of the ordinance above mentioned, being provisions of the General Assembly of Maryland.

Whether the language permits publication in a German newspaper has never been determined by the Court of Appeals, and, until it has been, I am bound to say that, in my judgment, if such proposals are advertised in only one paper, it is but prudent that they should be in the English language. If advertised in more than two papers, there would, of course, be no risk in advertising in a German paper as well as in two English papers.

The argument made upon phraseology like that of Section 14 of the City Charter is that it is contrary to public policy that any language, except the predominant language of the Country, viz: English, should be given legislative encouragement, and in a recent City case arising under words in the Burst District Commission Act closely similar to the wording of Section 14 of the City Charter such case, however was settled before reaching the Court of Appeals, this argument was earnestly suppressed and supported by a very strong array of judicial decisions.