

File No. 10103 Continued.

OPINION.

7764

Section 216 of the City Charter provides, as follows:

"The City Council shall meet on the Thursday next after the third Monday in May, in the year eighteen hundred and ninety-nine, and upon the same day in each year thereafter, and may continue in session for one hundred and twenty days, and no longer, in each year; provided, that they may, by Ordinance or Resolution, so arrange their sittings that the same may be held continuously or otherwise, and provided further, that the Mayor may convene the City Council in extra session as he may now do by the Fourth Section of the Eleventh Article of the State Constitution".

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The latter part of Section 221 of the Charter provides, as follows -

"And no Ordinance shall become effective until it be read on three different days of the session in each Branch, unless all the members elected to the Branch where such Ordinance is pending shall so determine by yeas and nays to be recorded on the Journal, and no Ordinance shall be read a third time until it shall have been actually engrossed for a third reading".

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The word "session" occurring in the two Sections above quoted, has always been construed since the adoption of the new Charter in 1898, as synonymous with "sitting", and if this meaning be given to the word all difficulty disappears.

Since 1898 the members of the First Branch have been elected for a term of two years, while the members of the Second Branch have been elected for a term of four years.

The object of Section 216 is twofold.

1st - To fix a day upon which in each year the Council should meet; and, 2nd - To limit the number of sittings of the Council in any one year.

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It is evident, therefore, that the words "may continue in session for one hundred and twenty days and no longer in each year", found in Section 216, were employed merely for the purpose of preventing the Council from sitting more than one hundred and twenty days in any one year during the term for which its members were elected, and not for the purpose of dividing the two year term of the members of the First Branch into two distinct sessions, each session to be composed of a number of sittings. This is made perfectly clear by the proviso that