

Baltimore, March 11, 1916.

Hon. James H. Preston
Mayor of Baltimore.

Dear Sir:

13005

We acknowledge receipt of your request for an opinion upon the following points:

First: Whether the Constitution of Maryland requires an Act extending the limits of Baltimore City to be submitted to the voters in the territory to be annexed, for their approval or rejection.

Second: Whether any principle of justice or liberty requires such submission.

Third: What has been the legislative practice on this subject in the State.

Fourth: Whether the Legislature has the same power to annex part of Anne Arundel County as it has to annex a part of Baltimore County to Baltimore City.

We answer your first question by saying that the Court of Appeals has decided that the Constitution of Maryland does not require an Act extending the limits of Baltimore City to be submitted to the voters in the territory to be annexed. In the case of Daly vs. Morgan, 69 Md., 466, the Court of Appeals said:

"The Legislature has, therefore, in our opinion, the same power now which it has always exercised, to extend the limits of Baltimore City by including therein parts of Baltimore County, and this, too, with or without the consent of a majority of the Voters residing within the districts annexed."

In our opinion this was not obiter dicta, but a binding decision of the Court.

While it is true that the Act of 1888, Chapter 98, the validity of which was attacked in the case of Daly vs. Morgan, contained a referendum to the voters in the territory to be annexed, yet the Act was attacked as void on two grounds, one of which was