

File No. 24706

Baltimore, August 9, 1919.

Leo A. McMahon, Esq.,  
Member Second Branch City Council,  
2105 E. Lombard St.,  
City.

Dear Sir:

I have your letter of the 7th in which you say:

"There are now two ordinances before the Council in reference to rent profiteering. There seems to be a question as to whether or not the City Council have the authority to pass such laws.

As these ordinances have been referred to the Committee on Police and Jail of which I am chairman, I would be pleased to have your opinion on this matter on or before Tuesday August 12th. As the committee will meet on that day to make its report on these ordinances.

A copy of these ordinances will be found in the Council Journal."

I presume you refer to Ordinances S. B. No. 42 and S. B. No. 30, found in the Council Journal page 10 to 13, under date of August 6th, 1911.

Ordinance S. B. No. 30, undertakes to repeal and reordain with amendments Section 850 of Article 4 of the Public Local Laws of Maryland, and to add three new sections thereto to be known as Sections 850-A, 850-B and 850-C. Section 850 referred to is not an ordinance passed by the City Council but an Act of the Legislature applying to Baltimore City.

The City Council has no power to pass an ordinance repealing or amending an Act of the Legislature, unless it be contended that such power is given to the Council by the so-called Charter of the City of Baltimore which was submitted to the voters of a part of Baltimore City at the election in November 1918. This Charter was prepared by a Charter Commission in pursuance of the provisions of Article XI-A of the Constitution. Said Article provides that the proposed Charter after being prepared by the Charter Commission "shall be submitted to the voters of said City or county at the

3433