

File No. 24706 Continued.

In September 1918 Mr. Tolson introduced an Ordinance P. B. No. 475, which was prepared by me, which I consider would have been valid as an exercise of the police power, but that ordinance was proposed while the war was going on and was limited in its operation to a period of eight months or the termination of the war which ever might first occur. It was therefore a proposal to exercise the police power during an extraordinary emergency and in the face of an extraordinary peril and was limited to a short time and its effect would have been, not to take away any rights of property or contract, but merely to suspend for a short time the exercise of those rights.

In my judgment it did not go further in restriction of private rights than was reasonably necessary for the protection of the public in the emergency.

There is another reason why I think the Ordinance S. B. No. 30 would not be upheld by the Court, and that is that it makes no exception in favor of existing contracts and therefore would impair the obligation of existing contracts between landlords and tenants contrary to the provisions of the Constitution of the United States.

I am also of the opinion that Ordinance S. B. No. 42 would not be valid for the same reasons that I have heretofore given with reference to Ordinance S. B. No. 30.

I do not understand your letter as asking for an opinion with regard to Ordinance S. B. Nos. 43, 44, 45 and 46, and therefore I have said nothing about those ordinances.

Very truly yours,  
(Signed) S. S. Field,  
City Solicitor.

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