

office shall commence on the first Monday of November succeeding his election, and shall continue for two years, and until his successor shall have qualified.¹

The fact that the Constitution mentions and recognizes the municipal corporation of Baltimore city does not make the charter of that city a constitutional one so as to place it beyond the legislative power; nature of municipal corporations. *Baltimore v. State*, 15 Md. 462.

This section and secs. 2, 7, 8 and 9, referred to in construing the Baltimore city charter (act of 1898, ch. 123), and in determining the power of the board of estimates, the city council and the mayor thereunder. *Baltimore v. Gorter*, 93 Md. 5.

This section referred to in construing art. 15, sec. 3, and art. 4, sec. 42—see notes to the former. *Smith v. Thursby*, 28 Md. 257. (See, also, dissenting opinions in this case.)

See art. 3, sec. 2, and art. 4, sec. 27, *et seq.*, Md. Constitution.

Sec. 2. The City Council of Baltimore shall consist of two branches, one of which shall be called the First Branch, and the other the Second Branch, and each shall consist of such number of members, having such qualification, receiving such compensation, performing such duties, possessing such powers, holding such terms of office, and elected in such manner, as are now, or may hereafter be prescribed by Law.

See notes to sec. 1.

Sec. 3. An election for members of the First Branch of the City Council of Baltimore shall be held in the City of Baltimore on the Tuesday after the first Monday of November in every year; and for members of the Second Branch on the Tuesday after the first Monday of November eighteen hundred and eighty-nine, and on the same day in every second year thereafter; and the qualification for electors of the members of the City Council shall be the same as those prescribed for the electors of Mayor.¹

See notes to sec. 1.

Sec. 4. The regular sessions of the City Council of Baltimore (which shall be annual), shall commence on the third Monday of January of each year, and shall not continue more than ninety days, exclusive of Sundays; but the Mayor may convene the City Council in extra session whenever, and as often as it may appear to him that the public good may require, but no called or extra session shall last longer than twenty days, exclusive of Sundays.

Sec. 5. No person elected and qualified as Mayor, or as a member of the City Council, shall, during the term for which he was elected, hold any other office of profit or trust, created, or to be created by the Mayor and City Council of Baltimore, or by any Law relating to the Corporation of Baltimore, or hold any employment or position, the compensation of which shall be paid, directly or indirectly, out of the City Treasury; nor shall any such person be interested, directly or indirectly, in any contract to which the City is a party; nor shall it be lawful for any person holding any office under the City, to be interested, while holding such office, in any contract to which the City is a party.

¹ Thus amended by the act of 1888, ch. 397.