

Power to Regulate does not include Power to Prohibit. The power given to a municipality to regulate the manner of doing a thing, does not include the power to prohibit altogether the doing of the thing. The power given by statute to the Mayor and City Council of Baltimore to *regulate* the *manner* of appointing persons to office under the corporation does not embrace a power to destroy the right of the Mayor to nominate such officers, subject to confirmation by the City Council, when such right is expressly conferred by statute upon the Mayor.

Hooper v. Creager, 84 Md. 256.

QUORUM.

A Majority of a legislative body is in all cases a quorum, entitled to act for the whole, except when the power that created it has otherwise directed. A majority of the members of each Branch of the City Council of Baltimore is a quorum.

Zeller v. Central Ry. Co., 84 Md. 304.

TAXING POWER.

Belongs to Legislature. The taxing power belongs to the Legislature and it will not be held as conferred upon a municipal corporation unless it be by express and unequivocal language or necessary implication.

State v. Rowe, 72 Md. 548.

ULTRA VIRES ACTS.

Incapable of Ratification. Where the Mayor and City Council of Baltimore has no power to authorize an act to be done, it being *ultra vires*, it has no power to adopt it after it is done.

Horn v. Mayor, 30 Md. 218.

The necessity and reasonableness of the passage of an ordinance is primarily committed to the Council, and unless the ordinance is purely arbitrary, oppressive and capricious, the Courts will not interfere to prevent its enforcement.

Baltimore v. Wollman, 123 Md. 310.

P. G. L. (1860), Art. 37, sec. 48. P. L. L. (1888), Art. 4, sec. 15.

219. Ordinances and resolutions of the Mayor and City Council of Baltimore may be read in evidence from the printed volumes thereof published by authority of said corporation.

Garrett v. Janes, 65 Md. 265. Central Savings Bank v. Baltimore, 71 Md. 523.

In relation to construction of sec. 219, *see also* Shanfelter v. Mayor, &c., 80 Md. 487. Field v. Malster, 88 Md. 704.

1898, ch. 123.

220. The style of all ordinances shall be: "Be it ordained by the Mayor and City Council of Baltimore."

1898, ch. 123.

221. Every Legislative act of the Mayor and City Council of Baltimore shall be by ordinance or resolution. No ordinance or resolution shall be passed except by a vote of a majority of all the members elected, and on its final passage, the vote shall be taken by yeas and nays, the names of members voting for or against the same being entered on the journal. Every ordinance enacted by the City shall embrace but one subject, which shall be described in its title, and no ordinance shall be revived, amended or re-enacted by mere reference to its title, but the same shall be set forth at length as in the original ordinance. And no ordinance shall become effective until it be read on three different days of the session, unless all the members elected shall so determine by yeas and nays to be recorded on