File No. 3539 Continued. OPINION.

LAW DEPARTMENT.

Baltimore, September 25, 1905.

B. T. Fendall, Esq.,
City Engineer,
City.

Dear Sir:-

2880 I am in receipt of your letter of the 23rd inst., in which you ask me whether it is in the power of the Mayor and City Council by Ordinance to increase the compensation of laborers in your Department. I answer, in my opinion, no. By Section 86 of the Charter, it is provided that the City Engineer shall have power to appoint such subordinates as he may require, and fix their compensation, not, however, to exceed in number or compensation the limits fixed by ordinance. It is obvious that under these terms, the power of fixing the per diem of a laborer in your Department is vested wholly in you. The Mayor and City Council has no power in the premises except by the ordinance of estimates to fix the aggregate amount of the annual appropriations to your Department for the compensation of your subordinates. Within the limits of this aggregate amount, everything that appertains to the amount of compensation that your subordinates shall respectively receive is left entirely to your discretion.

Truly yours,
(Signed) W. Cabell Bruce,
City Solicitor.

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