The following communication was received, read and laid on the table:

Baltimore, May 4th, 1855.

To the Honorable the First Branch of the City Council:

Gentlemen:- Your letter requesting information whether the provisions of proposed bill No. 81, will, if passed, conflict with any laws, of the State of Maryland, was handed to me this morning.

This bill proposes to regulate the inspecting, weighing and measuring of Anthracite coal in the city. The power to do this is undoubtedly given by the eighth section of the act of 1796, chap. 65, but the authority thus vested, is, by the very same section, subjected to the control and liable to be altogether taken away, by some future action of the General Assembly.

Since I received your letter, I have diligently examined the different laws that have been enacted by the Legislature, which have relation to the subject-matter of the ordinance in question, and upon mature consideration, it is my opinion, that they very materially abridge the power "to establish and regulate inspection", which the city possessed under its original charter.

By the act of 1854, ch. 200, entitled," an act to regulate inspections in the city of Baltimore,' it is provided that any free white citizen of the State of Maryland, on application to the clerk of the Court of Common Pleas, and paying to said clerk "one hundred dollars," shall be entitled to receive a license as inspector of coal.

The second section declares, that any person acting as inspector of coal, without a license 'shall forfeit and pay to the sheriff of the city," the sum of two hundred dollars.

The third section authorizes "any person or persons" to "buy or sell, export, or otherwise dispose of any of the articles" (including coal,) "mentioned in the first section of this act, without having the same inspected, measured or gauged by an inspector," "but in all cases of difference between the buyer and seller, as to the quantity, quality or measurement of any of the said articles," (coal included,) "either party may call in any inspector of the article, authorized to act in the city where the article may be situated, and the judgment of the inspector shall bind the article."

In conformity with the provisions of the above enumerated sections, the inspectors, for whose appointment the first section of the contemplated law provides, can acquire no right whatsoever, by such appointment, to perform the duties of their office, without also taking out a license from the clerk of the Court of Common Pleas; and even when they obtain a license in the mode prescribed by law, they can acquire no rights or privileges, in their character of inspectors, which could not be equally acquired by any 'free white citizen of the State of Maryland," who might choose to purchase a license from the clerk of the Court.

In the second section of your ordinance, it is made requisite, that all coal sold shall be sent to the city scales to be weighed and measured. This compulsory provision is, I apprehend, in direct conflict with the third section of the law of 1854, above cited, which authorizes the sale of the articles therein before enumerated, among which is coal," without having the same inspected, measured or gauged by any inspector."

The second section of your ordinance is also repugnant to the State's law in another particular. It provides that six places shall be established, to be called the city scales, in different parts of the city, and prohibits the inspection of coal in any other places than those established, but the law of the State recognizes no other limits within which inspections must be made, than those of the city itself, in any part of which the licensed inspector may perform the duties of his office. The third and fourth sections of your ordinance are, perhaps, in a greater degree, liable to the same objection.

Upon the whole, therefore, it appears clear to me, that the system of inspecting coal, designed to be introduced into this city, by the proposed ordinance, however desirable it may be with respect to the protection of the citizens from imposition, is too much in opposition to the laws of the State on this subject, to be valid or binding.

By the first section of the act of 1827, chap. 315, it is provided that a ton of coal shall consist of twenty-two hundred and forty pounds, and that all sales shall be made having regard to this standard. Whosoever shall violate this provision in any sale which he may make, will be disabled not only to recover the price of the coal from the purchaser thereof, but will also render himself liable to the penalty of ten dollars, the sum