

Vot 7

File No. 5767.

CORRESPONDENCE.

FIRST BRANCH CITY COUNCIL
OF BALTIMORE.

4294

Resolved by the First Branch City Council that the City Solicitor be, and he is hereby requested to render said Branch his written opinion as to whether the contract awarded Patrick F. Reddington for the grading, paving and kerbing of Port Street from the North side of Lafayette avenue to the south side of North avenue was legally awarded, the advertisement for bids for said contract having been inserted in the "Baltimore Journal and the Baltimore American," two daily newspapers published in the City of Baltimore; the "Baltimore Journal" being a newspaper published in the German language.

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OPINION.

LAW DEPARTMENT.

Baltimore, January 17, 1907.

To the President and Members of the
First Branch City Council.

Gentlemen:-

4295

I reply to your request for my opinion as to whether the advertisement for bids for the grading, &c. of Port Street from the north side of Lafayette avenue to the south side of North avenue was lawful, in that it was published in two daily newspapers only, and one of these, - the Baltimore Journal, - was a newspaper published in the German language. Section 14 of the City Charter requires all such advertisements to be inserted in two or more daily newspapers published in Baltimore City. There is no decision of our Court of Appeals bearing upon the question that you submit to me, but it has been decided by courts of last resort in different portions of the United States that a requirement that a notice shall be published in two daily newspapers is not gratified, if one of the two daily newspapers is not published in the English language.

These decisions go upon the principle that it is contrary to sound public policy that there should be any public advertisements except in