

TO: The Board of Estimates of Baltimore City (continued)

But if the position has been abolished, a different situation may be presented, to be dealt with equitably according to the intent of the Statute.

In order to secure uniformity in the matter of reinstatement and give full effect to the sense of the Congress as expressed in the Federal Act, and to the intent of the Ordinance, I recommend that this Board notify each appointing officer of the City to submit, with his recommendations as to compensation to be paid, all applications for reinstatement by persons who have rendered military service in the Armed Forces of the United States.

Very truly yours,

(Signed) SIMON E. SOBELOFF,
City Solicitor

SES:EW

File No. 78826

September 27, 1945

Hon. Theodore E. McKeldin
Mayor of Baltimore
City Hall
Baltimore - 2, Maryland

Dear Mr. Mayor:

You have referred to me for opinion a letter addressed to you by Mr. J. David Cordle, Chairman of the Labor Advisory Committee of the Office of Price Administration.

Mr. Cordle submits to you and to the City Council a draft of an ordinance intended to implement the work of the Office of Price Administration by making it a misdemeanor for anyone to sell goods at retail or at wholesale or to rent housing accommodations in Baltimore City at prices in excess of the maxima established by the Office of Price Administration.

The power of Congress to create the Office of Price Administration and to delegate to it the authority to establish maximum prices has been declared by the Supreme Court of the United States a valid exercise of the Federal war powers (Yakus v. U. S., 321 U. S. 414). Whether the States have the power to pass concurrent legislation establishing maximum prices is a question not free from doubt. In at least one case (City of Cleveland v. Piskure, 60 N. E. (2) 919), it has been held that a city ordinance similar to the one here proposed was unconstitutional, because