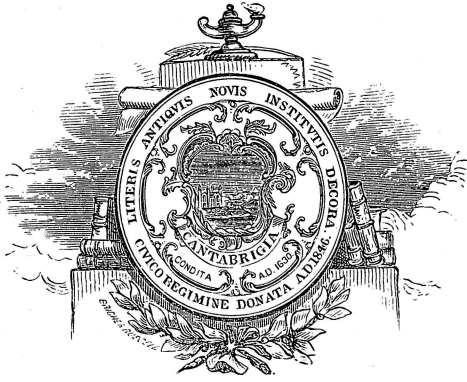


City of Cambridge.



CLERK'S OFFICE,

Dec. 22^o 1868.

To the Honorable, the Clergy and Aldermen:

Upon the question proposed to me, whether it is competent for the City Council to override an "Ordinance" by the adoption of an "Order," I beg leave to report:-

That inasmuch as an "Ordinance" is a more deliberate and solemn way of passing an order which is intended to be permanent, there is an apparent irregularity in controlling its effect by the passage of an "Order" in conflict with it, which Order, by a suspension of the Rules, may be passed through its various stages at the same meeting. Yet this irregularity is an irregularity of form only, which the City Council alone can take cognizance of. If any deliberative body sees fit to violate any of its own rules of pro-

ceeding, no other party can take exceptions to
its course in so doing.

It is a matter of form and not of substance,
and it is entirely competent for the City Council,
where the subject-matter is within its jurisdiction,
in a case where it has heretofore said "be it ordered"
to add to or take from its former action by
saying "Ordered" or even, in violation of the form-
Rule which prescribes the forms "Ordered" and
"Resolved" by saying "voted".

As to the phrase "which shall be in full for all
services rendered" &c. it is intended to prevent the
officer from claiming, but not to prevent the City
Council from granting, if it see fit.

Respectfully submitted,

Justin A. Jacobs.

Opinion
of City Solicitor
Dec. 22. 1869.