File No. 1184 Continued.

General Assembly of Maryland pass an act enabling the said reimbursement to the said property owners, and to do whatever else it may, to effect such reimbursement.

File No. 1184.

OPINION.

LAW DEPARTMENT.

Baltimore, June 2, 1904.

To the President and Members of the

First Branch City Council.

Gentlemen:-

1570 Referring to your resolution with reference to the retention of a sufficient amount out of the Western Maryland Sale Fund to compensate owners of property for injury inflicted upon them by changes of grade, I beg leave to say that in my opinion the Mayor and City Council of Baltimore is without legal power to pass any such resolution, except as a mere declaration of its views with respect to the justice and expediency of some such provision as the ordinance contemplates being made in some legal manner for the compensation of the property owners in question.

1571 The power of the Mayor and City Council of Baltimore to make appropriations out of the Western Maryland Sale Fund is limited to the purposes set forth in the Act of the General Assembly of Maryland of the year 1904, Chapter 463, and the Burnt District Commission Act. Apart from the two legislative measures it is without lawful authority, in my opinion, to ordain that any disposition of any sort be made of any part of the Western Maryland Sale Fund. I scarcely need say that the