File No. 1235 Continued.

OPINION.

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branch of the Municipal Government.

Section 37 of the Charter provides that, before any grant shall be made by the Mayor and City Council of the franchise or right to use any of the public property mentioned in Section 7 of the Charter, the proposed grant shall be embodied in the form of an ordinance, &c. The public property mentioned in Section 7 includes parks. I think that these provisions contemplate that, before the right to use any of the public parks in the manner here desired shall be granted to any corporation, an ordinance must be obtained under the provisions of Section 37 of the Charter.

Being of this opinion, it follows that I do not think the Park
Board can legally grant the application of the Consolidated Gas Company.

Very truly yours,

(Signed) Albert C. Ritchie,
Assistant City Solicitor.

File No. 1235.

LAW DEPARTMENT.

Beltimore, June 18, 1904.

Major Bichard M. Venable,

President of the Park Board.

Dear Sir:-

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Replying to your favor of the 13th inst. as to whether the Park Board has the legal power to permit the Consolidated Gas Company of Haltimore City to lay a 16 inch gas main under the surface of a part of Druid Hill Park, allow me to say that in my opinion it has not.

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By Section 7 of the New City Charter, the title of the Mayor and City Council of Baltimore in and to its water front---and parks is declared to be inalienable. By Sections 8 to 11 inclusive and Section 37 of the New City Charter, it is provided that specific franchises or rights in or relating to parks or the other property of the City mentioned in Section 7, shall be granted only by ordinances, subject to the jurisdiction of the Board of Estimates, in the manner prescribed by the sections in question.