File No. 4755 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, May 15, 1906.

Maj. R. M. Venable,

President of the Park Board.

Dear Sir:-

I reply to your letter of the 14th inst. I assume that is has reference to the proper condemnation procedure to be pursued under the Act of 1904 Chapter 338; the loan provided for in the Act of 1906 Chapter 276 never having been yet submittee to the people.

In condemning property under the first mentioned Act, I propose to rely for authority to do so upon the terms of that Act, the item in the Ordinance of Estimates for the year 1906 and Ordinance No. 228, approved March 20, 1905, which provides a general system of procedure for municipal condemnations. This in accord with your scruples as a matter of sound policy under the circumstances about applying to the Mayor and City Council for authority to purchase or condemn specific parcels of land for park purposes under the Act. The safest plan, it seems to me, where specific property is proposed to be condemned under the Act would be to apply in each case to the City Council for such. authority, and to have the ordinance refer to Ordinance No. 228, approved March 20, 1905, as furnishing the condemnation procedure to be pur-But I do not mean to say that the authority conferred by the Ordinance of Estimates for the year 1906 upon the Park Board to acquire land in equal proportions in value "in the four sections of the City and Suburbs" may not localize the land definitely enough in a legal sense to gratify the rule of law that the Mayor and City Council of Baltimore cannot delegate functions requiring discretion to a subordinate municipal agency.

Truly yours,

(Signed) W. Caball Bruce.

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