File No. 5300 Continued.

OPINION.

lic places, or for any other public or municipal purpose, and may provide such methods of condemnation of any land or property, or interest therein, situated wholly or partly within the City of Baltimore, as it may deem proper.

3825

You will notice that, in so far as the right to acquire property for school-house purposes by purchase is concerned, no limitation in regard to the locality of the property is imposed. The apparent limitation to property situated wholly or partly within the City of Baltimore relates only to the method of condemnation. Hence by the express language of the Charter, the City is authorized to acquire by purchase whatever land it may need for school-houses, irrespective of the situs of the property. Moreover, it is doubtful in my mind, whether or not the proper construction of the words, "situated wholly or partly within the City of Baltimore", used in connection with the condemnation of property, would limit the right of condemnation by the city to land, a part of which, at least, must be within the city limits.

3826

The words were doubtless used in connection with the various public purposes specifically mentioned in the Section in a collective sense, having reference to the fact that the land needed for such purposes would, of necessity, be situated, some within the city limits and some outside the city limits. Be this, however, as it may, there is no limitation upon the right to purchase, so far as the situs is concerned and the motive that might prompt the limitation upon the right to condemn would be absent in the case of purchase.

You will notice that the balance of the Section referred to relates to the procedure to be followed when condemnation is rescribed to, and clothes the Baltimore City Court with jurisdiction. The propriety of clothing a City Court with jurisdiction over land situated entirely beyond the city limits, is a very strong reason for drawing a distinction in connection with the situs of the property when the same is to be acquired by purchase, and when the same is to be acquired by condemnation.

3827

I think, therefore, the city has the undoubted authority to purchase a lot, or any interest therein, outside the city limits for an ordinary school-house.

The next question is, whether or not a Parental School is of such a character as to constitute properly a part of our Public School aystem. In my opinion, it is of such a character. I understand that the object of the Parental School is to provide a place for the care and