File No. 5300 Continued.

OPINION.

instruction of refractory students. The discipline of a child certainly constitutes a material part of the Public School education.

The recent act of the Legislature, to which you referred in your letter, was passed in 1902, and merely prohibits the erection, within the City limits, of a hospital for infectious or contagious diseases.

Yours very truly,

(Signed) Edgar Allan Poe, Deputy City Solicitor.

File No. 5300.

LAW DEPARTMENT.

Baltimore. September 14,1906.

Hon. E. Clay Timanus. Mayor of the City of Baltimore. Dear Sir:-

You ask me whether the Mayor and City Council of Baltimore has the power to authorize the purchase or lease of land beyond the City limits for the purposes of a parental school. In my judgment, its right to either is too doubtful, under the judicial decisions relating to the matter, to warrant reliance upon it. The general rule, says Judge Dillon in his standard work on Municipal Corporations, is that cities cannot purchase and hold real estate beyond their territorial limits, Sec. 565. While in some instances the City of Baltimore is by the Charter authorized for some purposes to acquire land beyond its limits, none of these exceptional provisions apply to the public school system.

> (Signed) W. Cabell Bruce. City Solicitor.

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Truly yours.