

File No. 6712 Continued.

LAW DEPARTMENT.

Baltimore, December 10, 1907.

Hon. Cabell W. Bruce,
City Solicitor,

Dear Sir:-

4896 Since the decision by the Court of Appeals of the Bennett case, the commissioners for Opening Streets have inquired verbally, as to whether or not that decision affects them in their proceedings, under the Annex Improvement Act, for the condemnation and opening of streets. You will recall that, under the Annex Improvement Act, the Mayor and City Council of Baltimore is authorized to prescribe the mode of proceeding for the Annex Improvement Commission, and that by Ordinance the City directed that the procedure of the Annex Improvement Commission, in condemning and opening streets, should be the same as their proceedings in similar matters, when acting as Commissioners for Opening Streets. In passing this Ordinance the City adopted, as the method of procedure for the Annex Improvement Commission, the provisions regarding street condemnations, which are found in the City Charter. The question therefore arises, whether, in adopting those provisions of the City Charter, the interpretations, which must be placed upon those provisions when found in the City Charter, are to follow them into the Ordinance. In other words, whether the notices, which are required by the City Charter to be given at successive steps in the condemnation proceedings, must, when applied to the work of the Annex Improvement Commission, be such notices as would be required by

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a statutory enactment, or such as would be required by a City Ordinance, affected by the general Ordinance relating to publication in German newspapers. It appears to me likely that the Courts would

hold that the proceedings of the Annex Improvement Commission must be, in all respects, similar in condemning streets, to those of the Commissioners for Opening streets when performing similar duties, and that, therefore, the notices required by the Charter, at various stages of the proceedings, must be given in English newspapers.

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The language of the Ordinance, which adopts the provisions of the City Charter, seems to me to make this view reasonable, and I think, also that the policy of the Courts having been determined by the decision in the Bennett case, the disposition of the Court would be to