

File No 8837 Continued.

OPINION.

as widened, I beg to say that, while the City has some interest in the strip of ground immediately north of Conway street, it is not the absolute owner of said ground. I stated the situation fully in a letter to Hon. W. Cabell Bruce, dated May 9th, 1907.

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The alley south of Conway street appears to be a public alley, which, in my judgment, would have to be closed by formal proceedings. I am not advised as to whether or not the City has any interest in the bed of this alley, except the easement for use of it as an alley. The Mayor and City Council of Baltimore has probably acquired all such interests as it may have in the beds of said alleys, whatever such interests may be, through the Burnt District Commission; said interests were regarded at the time of writing the letter above mentioned to Mr. Bruce, as too uncertain and of too little value for sale by the Burnt District Commission. If the City has any interest which the State desires, it appears to me that it ought to be sold to the State by the above named Commission.

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While that Commission has not been active for some time, it appears to me that it still has power to sell the aforesaid property. Section 1 of the Burnt District Act, (Acts of 1904, Chapter 87) provides that the Commission "shall continue in office until the work of said Commission has been completed".

It is provided in Section 9 of the aforesaid Act that the Commission "shall sell by public auction, to the highest bidder, the residue of any lot of which a part shall be taken and used to effect the object confided to the Commission, and which residue shall have been, with the consent of the Commission aforesaid, surrendered by the owner aforesaid".

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This provision for sale being mandatory, it appears to me that the duties of the Commission have not been fully performed so long as anything remains of value to be sold, and while it appeared at the time when my above mentioned letter was written that there was nothing of value to sell, yet if circumstances have made it appear that the ground referred to in your letter is desired by the State, the Commission has, in my judgment, remaining in it, power to convey such title as it acquired for the City.

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Section 9 of the Burnt District Act was amended by Chapter 108 of the Acts of 1906, so as to give the Burnt District Commission