

File No. 8256.

OPINION.

LAW DEPARTMENT.

Baltimore, October 30, 1908.

Robert M. Rother, Esq.,

Member, Board of School Commissioners.

Dear Sir:-

6678 I beg to advise you as follows in reference to your inquiry as to whether or not the Mayor, Comptroller and President of the Board of School Commissioners are authorized to acquire by purchase or condemnation, a suitable lot or lots to take the place of School No. 22 unless there be an amendment of Section 4 of Ordinance No. 118, approved May 18th 1908.

6679 In my opinion the Commission appointed by said section is fully authorized to proceed to acquire a proper lot under the terms of said Section 4, even though the Commission is convinced that after the lot be acquired a twenty-four room building cannot be erected thereon within the appropriation of sixty-six thousand dollars, provided the lot to be acquired be sufficient to accommodate a twenty-four room building. Section 4 must be read in connection with the provisions in the Ordinance of Estimates for 1908, bearing upon the same matter and it is very evident, upon reference to the provision relating thereto in the Ordinance of Estimates that it was the intention of the Mayor and City Council of Baltimore to appropriate sixty-six thousand dollars for the purchase of the lot, the balance remaining thereafter to be applied towards the erection of a twenty-four room building.

6680 I think the right to purchase a lot was not conditional upon ability to secure the lot and to erect the building within the appropriation, though of course, it was not contemplated that the entire sum should be exhausted in the purchase of a lot. If, after the lot is purchased, the School Board should determine that it was inadvisable to erect a twenty-four room building thereon additional legislation would be necessary in so far as the building itself is concerned.

I herewith return the paper that you left with me.  
 Very truly yours,  
 (Signed) Edgar Allan Poe,  
 City Solicitor.

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