

File No. 12181 Continued.

CORRESPONDENCE.

9813

This Ordinance does not provide funds out of which payment for this work may be made, and inasmuch as the Park funds are set aside by law exclusively for the location, purchase and improvement of parks, "said fund not to be devoted to any other purpose than the one originally designed", the Park Board questions its right to expend any part of this fund for work done outside of Park territory. In the case of the sidewalks about Harlem Square, the Park Department has been given entire jurisdiction by the Legislature, but in no other case are the sidewalks a part of park property.

Some years ago, the City Comptroller refused to pay a bill for tree planting along the sidewalks adjacent to the parks, on the ground that it was illegal to divert park funds for this purpose. The Comptroller is now willing to pass the snow cleaning pay roll and charge the same against park funds, and the matter is submitted to you for a decision as to the legality of such a charge.

Very truly yours,

(Signed) J. V. Kelly,

Secretary-Treasurer.

File No. 12181.

OPINION.

LAW DEPARTMENT.

Baltimore, December 17th, 1910.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:-

9814

I have considered the inquiry contained in your letter of December 16th, relative to the obligation of the Park Board to pay out of its funds the cost of cleaning away the ice and snow from the sidewalks and streets binding on such properties as are under the control of the Board of Park Commissioners.

9815

The present law in reference to park taxes is found in Sections 797 to 800 of the City Charter, and merely provides for the payment of the taxes.

Section 27, of the City Charter, empowers the Board of Park Commissioners to employ and compensate all persons necessary to