

File No. 12327 Continued.

Legislature, as to the necessity for an Ordinance, appears in Paragraph 3 of Section 2 of the Act. The last mentioned Section of the Act sets forth the purposes to which the Fund is to be devoted. In Paragraph 3, above mentioned, it is provided that it may be used for acquisition, from time to time, "by gift, purchase, lease, whatever the duration of the lease, or other methods of acquisition, or by condemnation, of any land or property whatsoever", &c, and "no Ordinance or Ordinances shall, in any case, be necessary to the acceptance of any conveyance".

If there were no other provision in the Act from which the intention of the Legislature, as to Ordinances, could be inferred, it would certainly be reasonable to infer that, in view of the fact that it is expressly declared that no Ordinance shall be required for acceptance of a conveyance, an Ordinance must be passed to authorize a condemnation. Such a conclusion would not, however, be supported by subsequent provisions.

In Section 4 it is provided that when and as often as resort shall be had to "condemnation proceedings in connection with laying out, opening, extending, widening, narrowing, straightening or closing of any streets, avenues, lanes or alleys or parts thereof, then after the authorization and approval, as aforesaid, of the Board of Estimates, such proceedings shall be instituted, prosecuted and conducted by the Commissioners for Opening Streets of the City of Baltimore, and the procedure of said Commissioners and their rights and powers, shall be such as now or hereafter may be prescribed by law in relation to their ordinary duties and powers of the same nature, provided that no preliminary notice shall, in any case, be requisite to the exercise by the said Commissioners, after the prior authorization and approval of the Board of Estimates, as aforesaid of their said powers under this Act."

And, further on in the same Section, it is provided that when resort shall be had to condemnation proceedings, in connection with any rights and powers authorized by the Act, or any work thereby contemplated, other than such as relates to streets, avenues, lanes and alleys, "for which provision has just been made", the procedure, rights and powers with respect to such condemnation shall be such as now are, or hereafter may be, prescribed by law with regard to the