

File No. 12327 Continued.

ordinary powers of the City for the condemnation of property, "except that no Ordinance shall be necessary to such proceedings, but the only prerequisites thereto shall be the authorization of the Harbor Board of Baltimore City, or such other Department, Sub-department, Board, Commission, Official or Officials in which, or in whom, the powers and duties now exercised by said Harbor Board may hereafter be vested, and also the approval of the Board of Estimates."

I desire to call attention at this point to the fact that, in providing for condemnation of streets, it is said that no preliminary notice shall be requisite, after approval by the Board of Estimates, but that in the provisions for condemnation of property for other purposes, it is expressly stated that no Ordinance shall be necessary.

From these provisions in Section 4, I think it necessary to conclude that no Ordinance is necessary for acquisition of property, by condemnation, for any purpose other than for streets, &c., but that an Ordinance must be passed to authorize condemnation proceedings for streets.

In Section 6 we find the provision that, except in so far as provision is otherwise made in Section 3 for renting, leasing, &c., by the Board of Estimates, "and in Section 4 hereof, with respect to condemnation in connection with streets, avenues, lanes and alleys, or parts thereof," and in Section 5 (which relates to grading, paving, &c.) "each and all of the rights and powers hereby conferred shall be exercised and the work herein provided for shall be executed by the Harbor Board of Baltimore City", or by any other Department, &c., in whom the powers and duties now exercised by the Harbor Board may hereafter be vested, "subject, however, to the authorization and approval by the Board of Estimates as aforesaid."

It will be seen that Section 6 grants to the Harbor Board the powers provided for in the Act, with certain specific exceptions, among which are the exercise of the powers in relation to the opening of streets, which are expressly provided for in Section 4.

Turning back to Section 4, we find that the provisions therein contained, relating to the opening of streets, are solely provisions regarding procedure, and do not touch upon the matter of originating the plan of improvements, or the adoption of the plan and rendering it the basis of the proceedings. If, therefore, we construe Section 4, relating to streets, we must conclude that the Harbor Board and