

File No. 8637 Continued.

OPINION.

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spend no part of said Park Fund, unless such expenditure is authorized, and included in the annual Ordinance of Estimates." Certainly it was not intended to nullify that portion of the Charter, by the passage of the above mentioned Act of 1904.

Very truly yours,

(Signed) Joseph S. Goldsmith,

Assistant City Solicitor.

File No. 8637.

LAW DEPARTMENT.

Baltimore, October 14, 1908.

George Weems Williams, Esq.,
Maryland Trust Building.

Dear Sir:-

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I beg to advise you as follows in reference to the question raised by your letter of August 20th to Mr. Bruce, in connection with the power of the Park Board to acquire a leasehold interest in certain property in the neighborhood of Carroll Park in the manner more fully stated in your letter.

Chapter 338 of the Acts of 1904 authorizing the issue of stock to the amount of one million dollars for a loan for the extension of public parks contains the following provision:

"The Mayor and City Council of Baltimore, acting by and through the agency of the Board of Park Commissioners may acquire by gift, purchase, lease, whatever the duration of the lease or other like methods of acquisition or by condemnation, any land, &c."

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This clause clearly authorizes the Board of Park Commissioners to lease or to acquire the leasehold interest in land proper to be acquired for park purposes, provided the land so acquired or leased be acquired or leased out of the proceeds of the loan authorized. Except as authorized by the above stated provision, the Park Board has no power to acquire or lease property for the purpose of extending the parks. In the present instance it is the purpose of the Park Board to take a lease for ninety-nine