

File No. 69267

October 5, 1938

Board of Park Commissioners
Druid Hill Park
Baltimore, Maryland

Gentlemen;

On September 3, 1938, Mr. J. V. Kelly forwarded to me for approval a proposed contract in connection with the installation of a Western Union Sports Timing Clock at the Municipal Stadium.

The agreement as drawn grants permission by the Board of Park Commissioners to the Western Union Telegraph Company to install, maintain and operate a timing clock beneath which is to appear certain advertising matter of the American Oil Company. The American Oil Company is made a party to the contract, which is to continue in force and effect for a period of two years with the right on the part of the American Oil Company to extend the contract for a further term of one year if mutually agreed upon by the Board of Park Commissioners and the Western Union Telegraph Company.

As drawn the proposed contract is not in accordance with the copy of the resolution of the Board of Park Commissioners as forwarded to me by your Secretary. The resolution contemplates a right on the part of the Park Board to cancel the contract at any time upon the assumption of the payments due thereunder. No such right, however, is given to the Board of Park Commissioners in the proposed contract. Furthermore, the contract as drafted is vague and indefinite in many respects and does not clearly reflect the apparent intention of the parties.

In substance, the agreement is an agreement to lease park property which has been dedicated to public use for advertising purposes. The situation appears to differ in only minor respects from the granting of permission, for a monetary consideration, to erect an advertising sign on park property which has been dedicated to public use. In the one case the consideration is the use of the clock, whereas in the other case the consideration is a monetary one. The nature of the consideration is, in my opinion, immaterial.