

To the Honorable President and Members of the Board of Estimates (cont'd)

tion, it seems clear that a portion of the loan funds may be used to "acquire land or property, or any rights therein, in the City of Baltimore", for establishing a new modern and adequate jail.

Turning to the second question, it is understood that the present thinking is to establish two separate detention facilities of which one would be a maximum security institution such as the present Baltimore City Jail and located in Baltimore City and the other would be a minimum security establishment located outside of Baltimore City which would be used for keeping and treating persons who have been convicted of minor offenses and who are alcoholics, vagrants or suffering from senility or some like condition. It is the second situation with which we are concerned at this time.

Portions of Section 6 of the Baltimore City Charter (1949) provide that the City shall have full power and authority to exercise all of the power heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland, and in particular, * * *, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

"(2) To acquire by purchase or condemnation any property, or interest therein, of any kind for any public purpose * * *. Nothing in this paragraph shall be construed to authorize the condemnation of property beyond the City limits."

"(13) To own, regulate and control a jail, and other places of confinement, punishment or reformation."

In view of the provisions of Paragraph (2) of Section 6 of the City Charter and the language contained in the loan legislation, none of the loan funds may be used to acquire land or property located beyond the City limits for the purpose of establishing a new jail. However, these funds may be used for the establishment of a new jail on property located outside of the boundary lines of Baltimore City which is now owned by the City or which it may hereafter acquire by the expenditure of money other than that derived by the City from the jail loan.