File No. 6 Continued.

OPINION.

United Railways and Electric Company, and claim that it is the City's duty to force the Railway Company to so bond these heavy wires as to prevent this danger to the cables of the Telephone Companies. The Commission would like to have your opinion as to the City's rights and liabilities in the premises.

That the legislation by which the General Assembly authorized the Mayor and City Council of Baltimore to provide a series of conduits under the streets, lanes and alleys of Baltimore City for the use of telephone, telegraph, electric light and other wires, so appoint an Electrical Commission, with such powers and duties as it might deem proper, for the establishment and maintenance of such series of conduits, to require all such wires and the poles carrying the same to be removed from the surface of the streets, lanes or alleys of Baltimore City and to require such wires to be placed in such conduits, was a valid precise of the police power vested in the State for the promotion of the comfort, safety, health, convenience and general welfare of the public, and that the ordinances duly passed by the Mayor and City Ceuncil of Baltimore for the purpose of giving practical effect to this legislation are valid ordinances, are propositions that I assume to be unquestionable.

The construction and maintenance of telegraph and telephone lines in the public streets of a municipality is a matter peculiarly within the regulatory powers of the municipality, and a statute authorizing a city to require telephone companies to move their wires to underground conduits is a proper exercise of police power.

Dillon on Municipal Corporations, sect. 1329, and cases there cited.

C. & P. Telephone cases, 89 Md. 689, 90 Md. 638, 92 Md. 692.

within the scope of the police powers granted to the Gity, the whole authority of the State is included and delegated, and therefore whatever the State may directly do in furtherance of these objects, the municipality, clothed with the delegated power from the State, may also lawfully perform, though there may be a difference as to the legal consequences resulting from an exercise of the power by the State directly, and those flowing from the exertion of the same power by the municipality.

Mayor and City Council of Baltimore ve. Fairfield Imp. Co., 87 Md. 360.