File No. 530 Continued.

CORRESPONDENCE.

City Solicitor when he wrote the opinion. Please return this opinion when it has served your purposes.

Yours very truly,
(Signed) B. T. Fendall,
City Engineer.

File No. 530.

OPINION.

THE RESIDENCE OF THE PARTY OF T

LAW DEPARTMENT.

Baltimore, December 16, 1903

Hon. W. Cabell Bruce,

City Solicitor.

Dear Sir:-

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herewith my report upon the matters referred to in Mr. Fendall's letter to you of December 12th, and the enclosures contained in that letter; namely, whether there is any obligation upon the City Engineer to employ the City Surveyor to take the necessary levels for grade establishments, or whether he can have this work done by assistants in his own Department.

The election of the City Surveyor is provided for by Section 205 of the City Charter, and, by that Section, it is provided that his duties and compensation shall be prescribed by the ordinances of the Mayor and City Council.

Code 1893, Article 49, Section 2, provides as follows:

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Whenever the City Commissioner shall, in pursuance of the several duties required to be performed by him, under the provisions of the several ordinances of the City of Baltimore, contained in Art. KLVIII, the several ordinances of the City of Baltimore, contained in Art. KLVIII, Streets and City Commissioner, or of any other ordinance which may hereafter be passed, regulating the duties of said City Commissioner, require after be passed, regulating the duties of said City Commissioner, to do and perform all such acts appertaining to the business of veyor, to do and perform all such acts appertaining to the business of veyor, as may be reasonably required of him by the said City Commissioner, for which services he shall be entitled to and shall receive missioner, for which services he shall be collected in the fifth seconspensation as fixed in the table of rates contained in the fifth seconspensation as fixed in the table of rates contained in the fifth seconspensation as fixed in the table of rates contained in the fifth seconspensation hereof, and which compensation shall be collected in the manner new tion hereof, and which compensation shall be collected in the manner new tion hereof, and which compensation shall be collected in the manner new tion hereof, and which compensation shall be collected in the manner new tion hereof in the several ordinances hereinbefore referred to, or which may hereafter be passed by the Mayor and City Council of Baltimore."

The establishment of grade lines for streets is made part of the duty of the City Commissioner, now City Engineer, under Article 48 of the City Code, and especially under Sections 28, 29, 74 and 75 of the Article, and under Ordinance 83, approved December 8, 1900.

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