File No. 530 Continued.

OPINION.

777

Nor do I think the question affected by the provision in Section 4 that the City Surveyor shall do and perform "all other acts and things appertaining to the business of a surveyor" &c. The right of the City Surveyor to make surveys for the City Engineer must be decided by a construction of Section 2, and his rights or duties with respect to "all other acts and things" are irrelevant.

778

I have read Mr. Carter's opinion with great care; but, for the above reasons, am unable to agree with it. Mr. Carter seems to everlook the fact that the ordinance does not make it mandatory on the City Engineer to employ the City Surveyor at all, but merely makes it the duty of the City Surveyor to do such acts appertaining to the business of a surveyor as may be reasonably required of him by the City Engineer.

779

I am, therefore, of opinion that Mr. Fendall has the right to take the necessary levels for grade establishments through the assistants in his own Department, and need not call upon the City Surveyor for this work.

Very truly yours,

(Signed) Albert C. Ritchie,

Third Assistant City Solicitor.

File No. 530.

LAW DEPARTMENT.

Baltimore, December 16, 1903.

B. T. Ferdell, Edg.,
City Englacer.

780

Referring to your favor of the 12th inst. to myself, asking me whether you are obliged to employ the City Surveyor to take the necessary levels for grade establishments, I enclose herewith a carefully considered report, dated the 16th inst. from the Third Assistant City Solicitor to myself, in which he informs me, after giving me the grounds for his conclusion, that you have the right to take the necessary levels for grade establishments with the assistants in your own department, and