File No. 1338 Continued. CORRESPONDENCE.

be made chargeable upon the Western Maryland Fund.

Truly yours,

(Signed) W. Cabell Bruce.

City Solicitor.

File No. 1338 Continued. OPINION.

LAW DEPARTMENT.

Baltimore, July 13, 1904.

Hon. W. Cabell Bruce,

City Solicitor.

Dear Sir:-

1653 I herewith enclose you a draft of an ordinance which I think meets the questions raised by Messrs. Fendall, Shirley and Thomas in their communication to the Burnt District Commission.

As suggested by you in your letter to me of the 30th ultimo, it is exceedingly doubtful whether or not the Mayor and City Council of Baltimore has authority to confer upon the Burnt District Commission the power to establish the building lines in a different manner from that prescribed in the Burnt District Act, and, therefore, it seems to me advisable to place the authority for doing this work in some other body of individuals.

1654 I think that the cost of doing this work can properly be charged to the Western Maryland Fund, on the ground that the necessity for the work grows immediately out of the Fire.

You will notice that in the ordinance I have limited the scope of the work to the Burnt District. I think that the existing ordinances on the subject amply protect the City, the only objection to them being that the cost of the work is thrown on the individual, and the work itself is of necessity done by piecemeal. Under the proposed ordinance the work will be done as an entirety, at the expense of the City, and a record made and preserved.

You will also notice that in the proposed ordinance no mention is made of the right to appeal. I have purposely omitted such a