File No. 2701 Continued.

CORRESPONDENCE.

I respectfully submit the case to you for instructions.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.

File No. 2701.

OPINION.

LAW DEPARTMENT.

Baltimore. March 22, 1905.

Hon. E. Clay Timanus,
Mayor of the City of Baltimore.

2386

I am in receipt of your letter of the 22nd inst., which is accompanied by a letter from the City Engineer to you, dated the 21st inst., in which he states, referring to Sections 791 and 792 of the City Charter, that he is inclined to think that the City must insist upon all railroad companies complying with the provisions of the sections in question, which relate to safety gates at grade crossings.

In reply to the inquiry centained in your letter, I beg leave to say that in my opinion the requirements of Sections 791 and 792 are mandatory, and that neither the City Engineer nor any other municipal official is authorized to waive them or to postpone their enforcement.

Truly yours,

(Signed) W. Cabell Bruce.
City Solicitor.

2387