File No. 4882 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, June 15, 1906.

J. W. Freeman, Esq.,

Deputy Comptroller.

Dear Sir:-

3620

I am in receipt of your letter of the 9th instant, accompanied by the correspondence between the Maryland Telephone and Telegraph Co. and your sub-department with respect to the franchise tax due
to the City on its gross receipts from certain sources.

I have carefully considered the correspondence with the fullest appreciation of the motives which naturally led the Comptroller in the discharge of his official duty to desire as explicit and detailed a statement from the Company as possible.

I am compelled, however, to think that at this early stage at least in the history of the relations between this Company and your sub-department, which have so far, if I am correctly informed, not been marked by any apparent disposition upon the part of the Company to evade its obligations in the matter of the franchise tax, the City would not be warranted in requiring the Company to do more than furnish periodical sworm statements, showing the amount of its gross receipts and the percentage thereon due the City, and to hold itself ready to thrown open its books and papers to the inspection of your sub-department so as to afford the City a full opportunity to verify the statements of the Company.

The conclusion which I have reached is confirmed in my own mind by Section 798 of the City Charter authorizing the park Board, or any agent of the park Board when authorized so to do in a certain manner, to examine the books &c. of all street railway companies for the purpose of satisfying the Park Board that the returns of the park Tax are fairly and correctly made by said companies.

I desire it to be understood, however that this conclusion is limited to present conditions, and that circumstances may hereafter arise that will render it necessary for this department to advise yours to take a more exacting position than that which I now suggest. I return herewith the correspondence above mentioned.

(Signed) W. Cabell Bruce.

City Solicitor.

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