File No. 4994 Continued.

CORRESPONDENCE.

whether I am limited to the eighteen months' period as set forth in the bond.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.

File No. 4994.

OPINION.

LAW DEPARTMENT.

Baltimore, July 3, 1906.

Hon. W. Cabell Bruce,

City Solicitor,

Baltimore, Md.

Dear Sir:-

I herewith report as follows on the inquiry of the City

Engineer relating to the period of time persons opening the public

streets under plumbers' permits are bound to keep the paving in repair

where there is a discrepancy between the time stated in the permit and
the time stated in the bond.

The language of the permit makes the applicant liable for repairs for a period of three years, while the bond covers a period only of eighteen months. The two instruments, however, must be construed together, so as to give full force and effect, if possible, to each. This can be readily done in this case, and the effect would be to limit the liability under the bond to a period of eighteen months, while the liability under the permit would run for a period of three years. There is nothing inconsistent between the conditions under which the permit is granted and the provisions of the bond.

One of the provisions of the bond is as follows:

shall not be authorized to disturb in any manner the streets, lanes or alleys of the City of Baltimore, without a permit regularly granted by the City Engineer in each case; and the City Engineer may, if in his judgment the character the work to be done renders it advisable, require the said to give an additional bond in such amount as the City Engineer shall think proper, before granting such permit.

In other words, the bond recomizes the fact that a special

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