

File No. 5357 Continued.

CORRESPONDENCE.

3848½

neither the spirit nor the letter of the ordinance would be violated by the proposed consolidation.

As you are probably aware, subsequent to the passage of the above ordinance, the Baltimore Electric Power Company was incorporated under the general laws of the State and proceeded thereafter to buy a lot of ground and erect thereon a power plant suitable for the production of electric current. The Company, however, had and has no charter power to engage in the electric light, heat or power business in Baltimore City. Such charter power can, as you are aware, only be conferred upon a Company by a special act of the General Assembly of Maryland and also an ordinance of the Mayor and City Council of Baltimore.

As a matter of fact, therefore, the Baltimore Electric Power Company is not now engaged and never has been engaged in the business of furnishing electric light, heat or power to Baltimore City and cannot so engage because it has no charter power so to do. It has in fact never operated its plant. The plant after being built was leased to the Maryland Telephone and Telegraph Company of Baltimore City, which Company having a charter power conferred by the General Assembly and by the above mentioned ordinance of the Mayor and City Council, thereupon operated the plant which has been leased by the Baltimore Electric Power Company, and did engage and is now engaged in the business of furnishing electric light, heat and power in this city.

Under the above circumstances it seems to me obvious as I have said, that neither the spirit or the letter of the ordinance above mentioned would be violated by such a consolidation.

~~The Maryland Telephone and Telegraph Company, however, has~~
entered upon the business of furnishing light, heat and power under the conditions prescribed in the ordinance above mentioned and being of course, desirous of keeping faith with the City of Baltimore in every particular, it seems to me only proper that I should inquire of you, as the chief law officer of the City, as to whether in your judgment such a consolidation, in the opinion of the City's legal adviser would be in any way a violation of the ordinance above mentioned.

Yours respectfully,

(Signed) Nicholas P. Bond.