

File No. 5700 Continued.

OPINION.

Under these circumstances, while I cannot see that the rights of the City are so clear as to be beyond doubt, I nevertheless think that the City has a reasonable chance of success in proceeding against the present owner of the fee.

Very truly yours,

(Signed) Joseph S. Goldsmith,
Assistant City Solicitor,

File No. 5700.

LAW DEPARTMENT.

Baltimore, October 3, 1907.

William R. Hubner, Esq.,
Safe Deposit & Trust Company,
9-13 South street,
City.

Dear Sir:-

I have carefully considered the contents of your letter of the 20th ultimo, and I regret to say that the point which you submit to me in respect to the cost of demolishing the premises at the southwest corner of Presatman and McCulloh streets is attended with so much doubt that I feel bound to commit the City to the chances of litigation on it. If there were an outstanding lease and the property had fallen into a state of nuisance during the existence of this lease, I should hold that the lien of the City attached only to the leasehold interest and the improvements, but in this case there was a re-entry after the lien had attached, and direct benefit would appear to have resulted upon the re-entry to the reversioner from the work of demolition done by the City. I deem it unnecessary to set forth the cases on the full train of reasoning upon which this communication is based.

Truly yours,

(Signed) W. Cabell Bruce,
City Solicitor.