

File No. 5718.

OPINION.

LAW DEPARTMENT.

Baltimore, January 14, 1907.

Hon. Wm. Cabell Bruce,
City Solicitor.

Dear Sir:-

4194

It appears to me to be almost impossible to give a certain and definite reply to the inquiry of the Commissioners for Opening Streets, which was enclosed with your favor of the 7th inst. You will recall that we reached the conclusion sometime ago that there are no provisions in the Code which apply to the services rendered by the City Surveyor in connection with the awards of damages and assessments of benefits for changes of grades in the Burnt District. In consequence I do not understand the necessity for construing in that connection, the provisions of the City Code in regard to compensation of the City Surveyor. If, however, it is desirable to know the meaning of those sections, I see very little in them upon which to base a conclusion. In Art. 37 Sec. 5, which provides for the compensation to be paid the City Surveyor, the word "square" is used in several instances as a measure of distance. It appears to me that it must have one of two meanings, either the distance between two public streets, or the distance between two streets shown on Poppleton's Plat. You will observe, that in the last paragraph of the above mentioned section, there is a reference to Poppleton's Plat. I can think of no legal principles to which I think it proper to refer in this connection, and of no decided cases, unless

4195

~~one of the opinions expressed in the case of Tingas vs. the Mayor and City Council of Baltimore, 51 Md. p. 600, as to value in this connection.~~

4196

You will recall that the Court of Appeals there held that the twenty foot alley mentioned in the conveyance under which the dedication in that case was claimed, was not such a street or public way as would stop the running of the dedication. That statement of the Court is, I believe, generally construed to mean that a twenty foot alley does not stop the running of a dedication. I have some doubt as to that having been the real meaning of the Court, but as I stated above, I believe it to be the interpretation of most lawyers.

Very truly yours,

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