

File No. 5746 Continued.

CORRESPONDENCE.

property owners refused to pay, ignoring our numerous requests for settlement, and the Commission firmly believes that by ordering the services out of commission, that is, cutting out service rendered through them, in probably the same manner as the Water Department would shut off the water supply, although in our case we are treating with property subject to the rights of tenants in the conduits under their leases with the Commission, and not something which we ourselves own, a prompt method of collecting said accounts would be instituted.

I enclose, for your information, a blank form of lease with companies rendering services through the conduits are required to enter into, the conduits, of course, being owned entirely by the City.

Respectfully,

(Signed) Carl P. Otte,

Clerk.

File No. 5746.

OPINION.

LAW DEPARTMENT.

Baltimore, January 17, 1907.

Hon. W. Cabell Bruce,  
City Solicitor,  
City.

Dear Sir:-

Electrical Commission of Baltimore City.

4259 in his letter of January 12th asks the following question:

"Has the Electrical Commission the right under leases with Companies occupying duct space in the municipal conduits, to order services removed where house connections have not been paid for within a reasonable time, and where property owners to whom said connections have been billed enjoy the advantage of service from telephone, telegraph, electric light, etc., although they have not paid for said connections?"

200 The answer to this inquiry depends upon the proper interpretation of the following provision in Section 9 in the form of lease under which duct space is occupied.

"And this lease is made by said Lessor and accepted by said Lessee, upon the further condition that neither the making of said lease, nor any of its provisions shall in any way operate to deprive the Lessor or the Mayor and City Council of Baltimore, of any right, or rights, which under the laws of the State of Maryland or the ordinances