

File No. 8792 Continued.

OPINION.

any writ, or action in the name of this corporation to recover any penalty, or penalties, incurred by the violation of any City ordinance."

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The City Engineer, therefore, could commence, in the name of the Mayor and City Council of Baltimore, an action for the recovery of the penalties incurred by the Maryland Telephone Company. The legal right to do so is clear, and upon the facts as stated in the correspondence, I think a recovery could be had.

As to whether or not this should be done is a matter of policy to be determined by the City Engineer. I am inclined to believe, however, that it would be far better to overlook this breach, and to write a letter to the Maryland Telephone Company, calling attention to its default, and notifying it to send a complete list of all its poles to the Collector of Water Rents and Licenses at once, and that all future defaults will not be waived, but the law in reference thereto will be enforced.

Truly yours,

(Signed) Sylvan Hayes Lauchheimer,
Deputy City Solicitor.

CORRESPONDENCE.

File No. 8792.

DEPARTMENT OF PUBLIC IMPROVEMENTS,
SUB-DEPARTMENT OF CITY ENGINEER.

Baltimore, September 29, 1908.

Edgar Allan Poe, Esq.,

City Solicitor.

Dear Sir:-

My Pole Inspector reports as follows:

"The C. & P. Telephone Company disclaim the ownership of the following poles upon which no licenses have ever been paid:
N.E. cor. James Lane & West St. (C. & P. Stencil, 1 cable, 36 wires) (Consolidated Gas - 4 wires).
In front of 34 E. West St. (C. & P. Stencil, 36 wires) (Consolidated Gas - 4 wires).
West side of West St. 150' west of Light St. (C. & P. Stencil, 34 wires) (Consolidated Gas - 4 wires).
These poles have evidently been set some five or six years and were originally used by the C. & P. Tel. Co. Mr. Horr, of the C. & P.

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