

File No. 8792 Continued.

CORRESPONDENCE.

Tel. Co. claims that these poles belong to the Fire Alarm Department, and even went so far as to suggest that if the Fire Alarm Department wants to get rid of them they should put them up for sale to the highest bidder. Please note memo. herewith attached from the Fire Alarm Department denying ownership. My reason for making report earlier and apart from other delinquent poles which I hold, is because Mr. Horr informed me that he had issued orders to his men to scratch C. & P. Tel. Company's stencil off poles, and I thought it best to strike while the iron is hot and not confuse our list to be rendered later with this case."

The case was referred to Mr. Yeakle of the Police & Fire Alarm Telegraph and he says that neither the poles nor the wires belong to the City. Mr. Smith, the Chief Lineman for the Police and Fire Alarm Telegraph, states that these particular poles never did belong to the City.

The situation appears to be this, that some five or six years ago the C. & P. Telephone Company found poles which were no longer in use. They simply appropriated such poles and have used them continuously since such appropriation without paying the City one cent of pole tax. It appears to me that proceedings should be instituted against these people and that they should be required not only to pay the back taxes but also to pay the fine, provided in the ordinances of the Mayor & City Council of Baltimore, where the companies fail or refuse to return poles in their annual list.

These companies seem to take the ground that the only way they can have the ownership of a pole is when they erect such a pole under a permit from this Department, and that when they appropriate a pole, which has been previously used by some existing or defunct corporation, such pole is not their property.

I cannot agree with any such contention.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.

OPINION.

File No. 8792.

LAW DEPARTMENT.

Baltimore, September 30, 1908.

B. T. Fendall, Esq.,
City Engineer.

Dear Sir:

Replying to your favor of September 28th, relative to the pole