

File No. 8792 Continued.

CORRESPONDENCE.

settled.

I do not know whether the case could be handled otherwise than before a magistrate, but if it could be handled in the Courts, it appears to me that that would be a much better course. The question is one which strikes me as being too important to trust to the ordinary magistrate. The various public service corporations are becoming more and more inclined to ignore the law on the subject, and, for these reasons, if we can handle the case before one of the Courts, I believe that we would be justified in doing so, and thus teach these people a lesson that they will not forget.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.

File No. 8792.

OPINION.

LAW DEPARTMENT.

Baltimore, October 14, 1908.

B. T. Fendall, Esq.,

City Engineer.

Dear Sir:-

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Replying to your favor of October 10th, relative to Sections 38, 39, 40, 41 and 42 of Article 41, of City Code, I beg to say that the phraseology in said sections correctly states the present condition of the law, in view of Section 59 of the City Charter. You will notice that by the last clause in Section 41, the City Engineer is the proper official to cause to be cut or taken down the poles referred to therein. Your powers in this respect are not interfered with. It is not perfectly clear whether compliance with Section 42 should be enforced by the Collector of Water Rents and Licenses, or by the City Engineer; in my opinion however, either official can have the necessary warrant sworn out. If you decide to proceed under said section, and desire to have the case sent to Court, I can easily arrange with the State's