

File No. 9196 Continued.

CORRESPONDENCE.

of the companies has given an opinion, that this condition being placed in the permit by me is entirely unwarranted by law, and that they should not accept such permits.

My object in inserting this provision is to protect the City and to collect the back taxes without being compelled to go into Court and prove our claim.

The public service corporations hold that the mere fact of their making application to remove the pole is an acknowledgment of ownership, and in acknowledging the ownership they must naturally acknowledge the responsibilities going with such ownership.

I shall thank you to advise me on this subject, so that I may know how to proceed in the matter of future permits, for removing poles from the streets of Baltimore.

Very truly yours,
(Signed) B. T. Fendall,
City Engineer.

File No. 9196.

OPINION.

LAW DEPARTMENT.

Baltimore, December 3, 1908.

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

Dear Sir:-

6849

Replying to your favor of December 1st, relative to the application by Public Service Corporations to remove poles and the propriety of your inserting in permits issued therefor, a provision that said Corporations pay all back taxes due the City on said poles, I beg to advise you as follows:

6850

In my opinion you have no legal right to insert such a clause in the permit, but can only insert such conditions as are set forth in Section 106 of Article 35 of Pielert's Code. I think you would have the right to insist that the applicant state in its application whether or not the pole that it desires to remove is