

File No. 10042 Continued.

OPINION.

7744

Reference to the Ordinance governing water rates, Ordinance No. 125, approved July 5th 1904, (Ordinances 1904-1905, page 83) convinces me that the Water Board has such power.

The Penitentiary does not appear to be included in any of the classes of institutions for which a rate is established by such Ordinance.

7745

On page 89 it is expressly provided that "for the use of water for any purpose, except for the purpose and in buildings of the character above designated, whether such water be used within said buildings or outside thereof, the charge shall be" fixed by the Water Board.

On page 90 the Water Board is given full power to abate any charge already made, whenever in its discretion such abatement may seem proper.

7746

Under these circumstances, in my opinion, the Water Board may establish such rate, for the Maryland Penitentiary, as in its discretion may seem just and proper.

Very truly yours,

(Signed) W. H. DeC. Wright,  
Assistant City Solicitor.

File No. 10042.

LAW DEPARTMENT.

Baltimore. June 1, 1909.

Alfred M. Quick, Esq.,  
President,  
Water Board.

Dear Sir:

7747

Replying to your favor of May 23rd, relative to the request of the Maryland Penitentiary Board for special rate for water, I herewith enclose copy of a report to me from Mr. Wright, upon which you will kindly act.

Very truly yours,

(Signed) Edgar Allan Poe,  
City Solicitor.