

File No. 10194 Continued.

OPINION.

7898

"When any City officer or employee is required by law or ordinance to give bond, the burden of paying the premium on the bond should, in my opinion, fall upon the officer or employee. When the officer or employee is not required by law, or ordinance, to give bond, but the Department, of its own accord, thinks it prudent to exact bond, the burden of paying the premium should, in my opinion, fall upon the Department as one of the ordinary expenses of the Department".

See also Code of 1906, Art. 1, Sects. 38 and 39.

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The appointment and duties of the Commissioners for Opening Streets are prescribed by Sections 172 to 195, Sections 827 to 841, and Section 6 of the Charter, and none of these provisions require them to give Bond. The Commissioners also act as the Annex Improvement Commission, but I find no provision with regard to that Commission requiring them to give bond. See Charter, Section 841A to J, and Ordinance No. 216, approved March 6, 1905.

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Since no law or ordinance requires the Commissioners for Opening Streets to give Bond, it follows that this obligation is placed upon them simply as a matter of precaution, and, therefore, under the opinion of Mr. Bruce, which seems to me entirely correct, the premiums on these bonds should be paid by the City, and not by the Commissioners.

Very truly yours,

(Signed) Albert C. Ritchie,  
Assistant City Solicitor.

File No. 10194.

LAW DEPARTMENT.

Baltimore. June 30, 1909.

Hon. J. Barry Mahool,  
Mayor of Baltimore.

Dear Sir:-

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Replying to your letter of the 21st inst., asking me to advise you whether the premiums on the bonds for the Commissioners for Opening Streets, should be paid by the City, or by the Commissioners,