

File No. 10572 Continued.

CORRESPONDENCE.

LAW DEPARTMENT.

Baltimore, October 19th, 1909.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

8314

As requested by your favor of October 15th, I have considered Mr. Phelps' inquiry to you of October 14th, viz: whether the Electrical Commission can borrow a portion of the Annex Fund for expenditures in connection with the Fire Alarm Telegraph Circuits.

Section 36 of the Charter, in referring to the Ordinance of Estimates, says that "no appropriation provided for in said Ordinance shall be diverted, or used, under any circumstances for any purpose than that named in said Ordinance".

I think it quite clear that for the Annex Commission to loan any portion of the appropriation provided for them in the Ordinance of Estimates to the Electrical Commission for the latter's work, would constitute a diversion of the Annex Commissioner's appropriation, and is, therefore, prohibited under the above Section of the Charter.

Very truly yours,

(Signed) Albert C. Ritchie,

Assistant City Solicitor.

File No. 10572.

OPINION.

LAW DEPARTMENT.

Baltimore, October 20th, 1909.

Charles E. Phelps, Jr., Esq.,
Chief Engineer,
Electrical Commission.

Dear Sir:-

8315

Replying to your favor of the 14th instant, asking me to advise you whether the Commissioners for Opening Streets can legally transfer the sum of \$35,000.00 out of their available balance to the