

File No. 11224 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, April 22nd, 1910.

General Peter Leary, Jr.,
Chairman, Sewerage Commission,
Baltimore.

Dear Sir:-

8873

I reply as follows to your letters of the 20th relative to the incorporation of the private drains of Flanigan and Sons, and Novak and Hurtt, into the general system of sanitary sewers, now being constructed by your Commission.

It does not appear from the correspondence submitted to me whether the drains in question are located at points where the Commission are now about to construct sewers, or at points where sewers will in the immediate future be constructed by the Commission. Unless this be the case, I see no reason why the matter should be taken up at the present time.

This, however, is a question of policy.

8874

The Commission has full authority under the present law to acquire private sewers wherever and whenever the Commission deems it advisable and desirable, or to make contracts with reference to the acquiring of such sewers.

In your conversation with me this morning you asked whether or not the Commission had power under the law to provide for the construction of sewers in alleys where plans had already been prepared, calling for their construction in the streets, especially where such change would involve additional expense.

Where no contract had been awarded the Commission has full and complete jurisdiction in the matter and can amend the plans at will. In the case of changes of locations after contracts have been awarded, I call your attention to the opinion of Mr. Lauchheimer, which I forwarded to Mr. Hendrick under date of April 19th.

Very truly yours,

(Signed) Edgar Allan Poe,
City Solicitor.