

File No. 11,693 Continued.

OPINION.

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nections to said existing drain, but the Sewerage Commission states that this cannot be taken over by the Sewerage Commission because of the fact that a spring in the bed of an alley running west from Charles street (marked "A") drains into it, and also because it has certain roof-water connections.

Under these circumstances, certain questions arise about which the opinion of this Department is asked.

A. It is asked whether the Sewerage Commission is obliged to build a sewer in this alley, under the terms of the Act authorizing the new Sewerage Loan. The Sewerage Commission has been previously advised by this Department, - see letter of April 18th, 1910, by Mr. Lauchheimer, - that the new Enabling Act and all of its parts are to become operative only after the loan has been ratified by the people, but the Commission desires to conform, so far as it can, with the spirit and letter of the Act in advance of the time of its binding operation and effect.

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The new Act provides that "The Sewerage Commission shall locate its sewers intended for house connections in the rear of said houses whenever practicable, and whenever said houses are not already otherwise connected with sewers, but said Sewerage Commission may locate any of said sewers in the front of said houses whenever the cost to the owners of the majority of the houses to be connected with said sewers in any block will be less if laid in front of said houses than if laid in the rear of said houses."

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I understand, from a representative of the Sewerage Commission with whom I talked, that it is practicable to locate a sewer in the alley "X" referred to. This being true, and the houses Nos. 218-226 south Charles street not being already otherwise connected with sewers, the sewer to receive the sewage from said houses should be in the alley "X" and not in Charles street, in order to comply with the provision of the Act authorizing the new Sewerage Loan.

We have not been furnished with any information about the cost, to the owners of the houses Nos. 218-226 S. Charles street, of connecting with a front or rear sewer, but I assume, however, that the cost of connecting with a sewer in the rear would be less, as the houses already are connected with the drain now existing in the alley in the rear.