

File No. 12199 Continued.

OPINION.

9845 of furnishing the specifications to every one who applied, unless it was the purpose of the person so applying to submit a bid. In other words the City would furnish specifications free of charge to those who bid, but would require those who secured specifications and who did not bid, to pay for the same at a price below their actual cost. The deposit was intended to represent the value of the specifications, and, in my opinion, should be considered as the payment of a liquidated sum which the City is entitled to retain.

9846 If, however, the deposit be considered as a penalty, the City may retain from the deposit a sum sufficient to compensate it for the cost of the specifications secured by the Nelson Valve Company, and return the balance. As the specifications cost thirty-one dollars and forty-two cents, and the deposit is only twenty dollars, there is nothing to return. I think the City should retain the deposit and so notify the Company. I return the correspondence herewith.

Truly yours,

(Signed) German H.H. Emory,

Assistant City Solicitor.

File No. 12199.

LAW DEPARTMENT.

Baltimore, January 6, 1911.

P. W. Wilkinson, Esq., Secretary,
Board of Fire Commissioners.

Dear Sir:

9847 Replying to your favor of the 20th ultimo, in which you asked me to advise you whether or not the Nelson Valve Company forfeited its check for twenty dollars which it deposited with the Consulting Engineer of the High Pressure Pipe Line System in order to secure a set of specifications, I enclose you copy of a report from Mr. Emory to myself, with reference thereto, which meets with my approval.

I return the correspondence herewith which accompanied your communication.

Truly yours,

(Signed) Edgar Allan Poe,

City Solicitor.