

File No. 12242 Continued.

It appears plain to me that the transaction is merely the purchase, for a certain amount of cash, from the Railways Company of the right to cross the line of its bridge with a road way. This being the case, I am of the opinion that Section 14 of the Charter has no application and that the Park Board may lawfully enter into the proposed contract without referring the matter to the Board of Awards.

Yours truly,

(Signed) W. H. DeC. Wright

Assistant City Solicitor.

Mr. Mengel's letter was addressed to me, but perhaps it will be best for you to reply directly yourself.

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File No. 12265

Baltimore, January 7, 1911.

A. S. Goldsborough, Esq.,
Mayor's Secretary.

Dear Sir:

9856 I have just received your favor of the 6th, No. 13105. I call your attention to Chapter 163 of the Acts of 1908, repealing and re-enacting with amendments Section 15 of the Charter.

One of the clauses in said Section, as amended, is as follows-

"The successful bidder shall promptly execute a formal contract to be approved as to its form, terms and conditions by the City Solicitor; and he shall also execute and deliver to the Mayor a good and sufficient Bond, to be approved by the Mayor, in the amount of the contract price."

This provision is mandatory upon the City, and cannot be modified by the Council by Ordinance, or departed from by any head of a Department.

Truly yours,

(Signed) Edgar Allan Poe

City Solicitor.