

File No. 12353 Continued.

requested by the Sanford & Brooks Co. should not be made.

Very truly yours,
 (Signed) Edgar Allan Poe.
 City Solicitor.

File No. 12364

Baltimore, January 26, 1911.

Carl K. Mengel, Esq.,
 Baltimore.

Dear Sir:

I have considered the question, which you laid before me this morning, with reference to the right of the Park Board to insist upon coal being weighed on the Park scales under the Contract with the Enterprise Fuel Company. One of the clauses of the Specifications reads as follows:

"Coal to be weighed on Park scales or on public scales nearest to respective Park if Park Board so elects".

This clause, in my opinion, confers upon the Park Board the right to require that coal furnished be weighed on the Park scales. This right of the Board is not to be denied merely because the Park scales are not of sufficient capacity to weigh the coal as tendered by the Contractor, especially where the scales in question are of a capacity sufficient to weigh such amounts of coal as are tendered under ordinary conditions.

The difficulty arises, as I understand it, from the fact that the Contractor is now using a truck of unusual weight, weighing about seventy-five hundred pounds. If they would send the coal in wagons of the usual weight and capacity, the coal could be weighed on the Park scales very readily. I return the Specifications.

Truly yours,
 (Signed) Edgar Allan Poe
 City Solicitor.