

File No. 12600

Baltimore, April 11, 1911.

Edgar Allan Poe, Esq.,
City Solicitor.

Dear Sir:

I have considered the letter of April 5th, sent to you by the Chief Engineer of the Sewerage Commission, in which he makes certain inquiries as to the relative rights of the City and the Chesapeake and Potomac Telephone Company.

If Chapter 583 of the General Assembly of Maryland for 1908, is valid, and there is no decision to the contrary, then, if the alley in which the conduits of the C. & P. Telephone Company have been laid was originally a private alley, it has now become dedicated to public use, and, by the passage of a proper Ordinance by the Mayor and City Council of Baltimore, accepting said alley, it will become a public alley. Until accepted, however, it remains private, and the usual rights of the City in public streets would not attach. If the alley continues private, then the Sewerage Commission would have no right to lay its pipes therein without the proper assent, and could not disturb the conduits of the Telephone Company without the approval of that Company. If the City should accept the dedication of the alley referred to, then its rights therein would be the same as in any other public highway, and the Telephone Company could be compelled to shift its conduits, at its own expense, in such a manner as to enable the Sewerage Commission to lay its pipes.

Substantially the same question involved in this inquiry was submitted to this Department in 1907. Mr. Ritchie, Assistant City Solicitor, rendered an opinion to the City Solicitor, dated May 13, 1907, which deals with this subject in a very thorough manner. The City Solicitor adopted the views of Mr. Ritchie, and, on May 15, 1907, sent an opinion to Gen. Peter Leary Jr., Chairman of the Sewerage Commission, upholding the rights of the City as against the Telephone Company.

Very truly yours,

(Signed) Sylvan Hayes Lauchheimer,
Deputy City Solicitor.