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Mr. Bruce was not dealing with buildings on property acquired for street purposes by the Commissioners for Opening Streets. His opinion, therefore, is only pertinent here on the question whether "refuse material" used in the Section of the City Code referred to by Mr. Driscoll should be construed to include the materials of buildings which it is necessary to remove for widening or opening a street.

Mr. Driscoll's view finds support in a letter of May 4th, 1916, from Assistant City Solicitor Rose to Mr. Field (Opinions of City Solicitor, Vol. 22, page 6599). Mr. Driscoll in his letter to you set out the Rose letter. It refers to structures on land acquired for widening a street. Our files seem to indicate that City Solicitor Field at that time concurred with Mr. Rose. However, Mr. Field, in an opinion dated August 31st, 1912 (Opinions of City Solicitor, Vol. 18, Page 5249), held that buildings on property acquired for street purposes through the Commissioners for Opening Streets should be sold by the Commissioners for Opening Streets under Section 176 of the Charter. Writing to the President of the Commissioners for Opening Streets, he said:

"Replying to yours of August 15th, enclosing a copy of a letter of August 14th from the City Engineer in reference to the disposition of the houses which you have purchased on the east side of Guilford Avenue, between Biddle and Preston streets, I beg to say that the question is a very close one whether the Commissioners for Opening Streets should sell the houses to be demolished, under Section 176 of the City Code, 1906, or whether the Comptroller should sell them under Section 12 of Article 6 of said Code.

Under Ordinance No. 106, approved April 23rd, 1912, Section 1, the City Engineer is directed to proceed to pave the Fallway 'so soon as the title to the land required for the Fallway, as described in Ordinance No. 70 of the Mayor and City Council of Baltimore, approved February 9th, 1912, or any section of said Fallway between any two or more intersecting streets, has been acquired by the Mayor and City Council of Baltimore, etc.'

Under Ordinance No. 114, approved May 28th, 1912, the Commissioners for Opening Streets were authorized to purchase the property needed for this improvement and 'have the same conveyed to the Mayor and City Council of Baltimore,' but nothing is said in said Ordinance about disposing of the old material of the property so purchased.

While the question is a close one, I am of the opinion that as to the property acquired by you by condemnations, under Ordinance No. 70, the