

File No. 16371 Continued.

Provision is further made that the contractor must furnish scows "for the reception of such garbage * * * as the Commissioner of Street Cleaning may authorize to be loaded thereon"; that "the final disposition of all garbage, dead animals and market refuse in the City of Baltimore shall be made", etc.

The above quotations are all that can be quoted to throw any light upon the inquiry.

It will be observed that the contract does not provide, with the absolute definiteness to be expected, that the Southern Product Company is entitled to receive absolutely all of the garbage collected in the City of Baltimore, yet it is my opinion that under a true construction of the same the said company is entitled to all the garbage so collected under our system carried out in good faith. It is my judgment, therefore, that while the Commissioner of Health is vested with the full power, in his own discretion, to grant or withhold permits in the premises, yet our contractual relations with the Southern Product Company are such that in the exercise of that power, he should in all cases, except where there is some important health reason for doing otherwise, require the person securing the permit to deliver the garbage and refuse collected under it to the Southern Product Company.

Very truly yours,

(Signed) Robert F. Leach, Jr.
Assistant City Solicitor.