

File No. 13589

Baltimore, September 2, 1914.

Hon. S. S. Field,  
City Solicitor.

Dear Sir:

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Replying to your note of September 2nd, referring to me correspondence in file 13,589, asking me to look up the subject and ascertain whether the City can collect the whole bill sent to the Appeal Tax Court by the City Engineer or only \$81.00 thereof, I desire to say that I have investigated the matter and have reached the conclusion that it was erroneous to attempt to put a lien upon the property in question for a greater sum than \$81.00.

Section 1 of Ordinance No. 58, approved December 28th, 1911, requires all owners of property, after the completion of the sewerage system, to "connect, at their own cost and expense, their respective house drains and their respective building lines with said sewerage system, and to clean out and fill their respective sinks, wells", etc.

Section 5 of the ordinance provides that upon the failure of the property owner to make such connections and to do the other work, required, the Commissioner of Health is authorized and directed to request the City Engineer "to make the necessary connection and do the other work hereinabove required to be done in and upon such property," and thereupon the City Engineer shall have such work done.

The same section provides that any owner in default may make an agreement with any person to do this work and that the City Engineer should employ such person to do it, at a price so agreed upon between such person and the owner under certain conditions, one of which is that "said work shall not include any work beyond the work necessarily required to be done by Section 1 of this ordinance".

In this case it appears that the contract for the work required to be done under the ordinance was made on his own initiative by the City Engineer, and that subsequently the owner of the property agreed with the contractor for the extra work, the bill for which is the matter complained of. It does not appear that the City Engineer was any party to this second contract before the work was done, though he subsequently recognized it.

Whether the work be done by the City Engineer on his own initiative or by his adoption of a contract made by the owner, the cost