File No. 3570 Continued. OPINION.

Read in connection with the context, your inquiry would seem to be applicable to private streets in the county owned by the abutting property owners.

2889 Before laying water mains in private streets in the county, you should obtain a deed for the easement, as in the case of private streets in the City; and, before laying a water main in a public highway in the county, you should obtain authority for doing so from the County Commissioners for Baltimore County.

2890 The provisions of the Charter, Section 6, Page 28, are far from being clear. The proviso to which you refer declares that, "whenever the Mayor and City Council of Baltimore shall extend its water mains for the purpose of supplying water therein into the territory of Baltimore County previously occupied by some other water company then supplying water to residents of such locality, the City, before it shall supply water to users in said territory, shall purchase or condemn the water pipes and rights of said local water company".

2891 Properly construed, it seems to me that this proviso means that, before the City shall supply water to persons actually using the water of a local company in the county, the water pipes and rights of the local company, in so far as exclusively employed in supplying a group of persons in a particular locality, (a part of which group are the actual users in question of its water), shall be purchased or condemned by the City. It does not mean, in my opinion, that the whole system of the local company, without reference to such particular group of persons shall be purchased or condemned. Because the City, for instance, was about to supply patrons of a local company at Highlandtown, would be no reason why it should purchase or condemn the water pipes and rights of the local company at Govanstown.

2892 My advice to the Water Board is to go ahead and supply water to the houses on Ready Avenue, if the Baltimore County W. & E. Co. has no main on that avenue. The right of the City to do this will probably be disputed, but if so, the sooner the controversy is precipitated, the better.

Truly yours,
(Signed) W. Cabell Bruce,
City Solicitor.

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