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shall be such as are prescribed by the ordinances of the Mayor and City Council of Baltimore, and by Chapter 34 of the Acts of the General Assembly of Maryland of the year 1904, it was provided as follows:

2902 "Whenever the establishment of the grade of any street or alley or part thereof, in the City of Baltimore, shall become necessary, it shall be the duty of the City Surveyor of Baltimore City, and he shall be notified of such establishment by the City Engineer of said City, whose duty it shall be to give such notification, to establish such grade and to prepare the profile of the same."

2903 As I have often declared to you, the terms of this act are too obscure to enable me to say with any degree of confidence what their legal effect is. After the great fire, when it became necessary to change a great many established grades, I thought it most prudent to deal with the act as if it conferred upon the City Surveyor the power to establish street grades, free from your revision or control. In other words, it seemed to me that the safest construction at that time to place upon the act was to hold that it imposed upon you the duty of notifying the City Surveyor whenever it was necessary to establish a street grade, and upon the City Surveyor the duty of establishing it, and I was governed by the same considerations when ordinance No. 116, approved June 23, 1904, was drafted by this department. I still think that this is the safest view to take of the matter, though, as I have intimated, the question is involved in very great doubt and ought to be cleared up by an act of the next General Assembly.

2904 Perhaps, if an error in a grade establishment by the City Surveyor was called to his attention by you, he would rectify it.

Truly yours,

(Signed) W. Cabell Bruce,

City Solicitor.

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