

Charles C. G. Evans, Esq., City Solicitor (cont'd)

It is my further opinion that this office should be reluctant to write an opinion with the holding I have indicated above since such an opinion might be misconstrued, inasmuch as the facts vary with each case, and further, because there is frequently some casual connection between the operator of the sidewalk display and the owner or tenant of property which does not appear and the evidence of which it is difficult for the City to secure.

I will, with your approval, write Mr. Bosley advising him that the charge has been paid and that this Department will not rule upon the moot question now presented. Mr. Bosley desires such a letter, as Attorney representing the seller of this property, in order to assure his clients that there will be no later claim for the 1940 charge. The buyers of the property may then take such steps as they deem necessary for the protection of their interest.

Very truly yours,

(signed) DANIEL B. CHAMBERS, JR.

DBC/H

Assistant City Solicitor